Updated! Medical Malpractice & COVID-19: A Comparative Law Survey

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Wilson Elser has compiled information on the state laws in all 50 states and the District of Columbia with respect to modifications to statutes regulating medical malpractice liability.

- Some states have issued legislation and Executive Orders providing liability immunity to persons and entities providing health care and medical services in good faith in response to the COVID-19 health crisis, with the exception of willful conduct or gross negligence.
- Some states have relaxed licensing requirements for health care providers or supervision requirements for allied health care providers and emergency response providers to permit out of state health care providers to practice in their state.
- Other states have modified statutes of limitations, extending the time frame for bringing lawsuits in certain civil matters. The immunity and protections provided by the March 10, 2020, HHS Declaration, as well as individual state legislation and orders, include qualifications and exceptions that must be evaluated case by case to determine whether immunity exists.

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