

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 53

Introduced by Lathrop, 12.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability
2 Act; to amend section 44-2855, Reissue Revised Statutes of Nebraska;
3 to provide for immunity for health care providers acting in
4 conformance with the crisis standard of care during a COVID-19 state
5 of emergency; to define terms; to harmonize provisions; and to
6 repeal the original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A health care provider shall be immune from civil
2 liability resulting from care provided pursuant to the crisis standard of
3 care when:

4 (a) The care is provided during a COVID-19 state of emergency;

5 (b) The care provided is in accordance with the crisis standard of
6 care; and

7 (c) The failure of the care to meet the ordinary standard of care
8 set forth in section 44-2810 was a direct result of insufficient medical
9 resources caused by the COVID-19 state of emergency.

10 (2) For purposes of this section:

11 (a) COVID-19 means the novel coronavirus identified as SARS-CoV-2,
12 the disease caused by the novel coronavirus SARS-CoV-2 or a virus
13 mutating therefrom, and the health conditions or threats associated with
14 the disease caused by the novel coronavirus SARS-CoV-2 or a virus
15 mutating therefrom;

16 (b) COVID-19 state of emergency means a state of emergency related
17 to COVID-19 proclaimed by the Governor:

18 (i) Under section 81-829.40 or other statutory authority or by
19 executive order; and

20 (ii) In which the Governor has declared the applicability of the
21 crisis standard of care; and

22 (c) Crisis standard of care means the Crisis Standard of Care
23 Planning Guidance for the COVID-19 Pandemic in the State of Nebraska,
24 dated November 23, 2020, published by the Nebraska Medical Emergency
25 Operations Center.

26 Sec. 2. Section 44-2855, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 44-2855 Sections 44-2801 to 44-2855 and section 1 of this act shall
29 be known and may be cited as the Nebraska Hospital-Medical Liability Act.

30 Sec. 3. Original section 44-2855, Reissue Revised Statutes of
31 Nebraska, is repealed.