



**GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION**

519 Eighth Avenue, 16<sup>th</sup> Floor, New York, NY, 10018

Phone: 212-643-2828 Fax: 212-643-2956

[www.gnyhcfa.org](http://www.gnyhcfa.org) [www.twitter.com/GNYHCFA](https://www.twitter.com/GNYHCFA) [www.gnyhcfa.wordpress.com](http://www.gnyhcfa.wordpress.com)

## **20-13**

TO: ALL MEMBER FACILITIES

FROM: ROBIN C. ROSEN, ESQ., LABOR COUNSEL

DATE: APRIL 20, 2020

RE: NEW YORK LAW – EMERGENCY DISASTER TREATMENT  
PROTECTION ACT (EDTPA)

---

The Emergency Disaster Treatment Protection Act (EDTPA) was included in the NYS fiscal year 2021 final budget. The EDTPA shields health care facilities and professionals, including nursing homes, from liability as long as they are responding to the COVID-19 emergency in good faith.

The EDTPA provides immunity to nursing homes and their health care professionals from potential liability, civil or criminal, arising from decisions, acts or omissions related to their response to the COVID-19 outbreak and the State's COVID-19 directives. Included in this immunity are decisions resulting from a resource or staffing shortage.

This immunity is retroactive to March 7, 2020, the beginning of the NYS declaration of a state of emergency, and will be in effect until the declaration of emergency expires. This immunity does not extend to situations caused by willful or intentional criminal misconduct, gross negligence, reckless misconduct and intentional infliction of harm.

This law should help to alleviate some of your concerns about potential liability issues while you are working so diligently to provide the best care possible during this extraordinary difficult time. Thank you.

