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**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)

## **20-26**

TO: ALL MEMBER FACILITIES

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

DATE: AUGUST 4, 2020

RE: NEW NYS IMMUNITY LAW FOR HEALTH CARE FACILITIES AND PROFESSIONALS

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As you are aware, the Emergency Disaster Treatment Protection Act (EDTPA), which was included in the NYS 2021 budget, provided broad immunity to health care facilities and professionals, including nursing homes and hospitals, from liability as long as they were responding to the COVID-19 pandemic in good faith.

Please be advised that Governor Cuomo signed a new law on August 3, 2020 which rolls back and reduces this legal immunity. Under the new law, which applies only prospectively from the date it was signed, nursing homes and hospitals in New York can once again be held liable for care provided to patients not being treated for or diagnosed with COVID-19. The law therefore narrows the scope of legal immunity to only cases in which health care facilities and professionals are treating or diagnosing patients with COVID-19.

Thank you.