



COVID-19 Liability Protections

In 2020, IMS successfully pushed for enactment of Iowa Code §686D to codify and expand the blanket liability protections for healthcare providers that were began under the initial emergency public health orders issued by the governor and the Iowa Department of Public Health. This summary of that statute is intended for informational purposes only. Providers are encouraged to consult their medical liability carrier and legal counsel to better understand their individual liability exposure.

Qualifying Providers

- All Licensed or Certified Healthcare Providers
- Healthcare Facilities
- Home Health Organizations
- Any Other Individual or Facility Otherwise Authorized or Permitted by State or Federal Statute, Regulation, Order, or Public Health Guidance to Administer Healthcare Services or Treatment

Protected Acts

- Injury or death resulting from screening, assessing, diagnosing, caring for, or treating individuals with a suspected or confirmed case of COVID-19.
- Prescribing, administering, or dispensing a pharmaceutical for off-label use to treat a patient with a suspected or confirmed case of COVID-19.
- Acts or omissions while providing health care to individuals unrelated to COVID-19 when those acts or omissions support the state's response to COVID-19, including any of the following:
 - Delaying or canceling nonurgent or elective dental, medical, or surgical procedures; altering the diagnosis or treatment of an individual in response to any federal or state statute, regulation, order, or public health guidance.
 - Diagnosing or treating patients outside the normal scope of a provider's license or practice.
 - Using medical devices, equipment, or supplies outside of their normal use for the provision of health care, including using or modifying medical devices, equipment, or supplies for an unapproved use.
 - Conducting tests or providing treatment to any individual outside the premises of a healthcare facility.
 - Acts or omissions undertaken by a provider because of a lack of staffing, facilities, medical devices, equipment, supplies, or other resources attributable to COVID-19 that renders the provider unable to provide the level or manner of care to any person that otherwise would have been required in the absence of COVID-19.
 - Acts or omissions undertaken by a provider relating to use or nonuse of personal protective equipment.

When Protections Apply

- Starting January 1, 2020, and Continuing Until the End of the COVID-19 Pandemic
- Providers Will Still be Held Liable for Reckless or Willful Misconduct.