



Alerts

CARES Act Limits Liability for Volunteer Health Care Providers While Illinois Limits Liability for Health Care Facilities, Providers, and Volunteers Responding to COVID-19

April 3, 2020

Health Care Alert

State and federal officials have called on volunteer health care providers to assist in the emergency response to COVID-19. In an effort to protect these volunteer health care providers, liability protections were included in the recently enacted [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#). Section 3215 of the CARES Act provides immunity for health care provided by a volunteer in good faith and within the scope of the volunteer's licensure. Exceptions to this liability protection exist, including for harm caused by willful misconduct or gross negligence.

The CARES Act defines a volunteer health care provider as one who does not receive compensation or any other thing of value, including payment under an insurance policy or health plan, or under federal or state health benefits programs. However, a volunteer providing medical services more than 75 miles from home can receive reimbursement for travel to the site or payment to cover room and board.

Although Section 3215 will provide protection for health care volunteers, the CARES Act does not include immunity for hospital systems or compensated health care providers. However, some states—including Illinois—are developing their own liability protections for health care providers. On April 1, 2020, Illinois Governor J.B. Pritzker issued [COVID-19 Executive Order No. 17](#), which provides civil immunity for health care facilities, providers, and volunteers, rendering assistance to the state by providing health care services in response to COVID-19. For health care facilities, "rendering assistance" includes cancelling or postponing elective procedures, increasing the number of beds, and preserving protective equipment. Illinois' liability protections for these health care facilities and providers is effective for care rendered throughout the remainder of the duration of the Gubernatorial Disaster Proclamations. An exception to this liability immunity exists for gross negligence or willful misconduct.

For information on how the CARES Act impacts employers, please see our April 1, 2020 alert titled "[CARES Act Provides Massive Financial Relief to Small Businesses and Expands Unemployment Benefits for Workers](#)."