EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-54-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in addition to that proclamation of emergency, I have issued seven Executive Orders specifically addressing emergency needs related to physicians, nurses, and other health care professionals and providers; launched an initiative to expand the health care workforce through the creation of the California Health Corps, linked at https://covid19.ca.gov/healthcorps/; and taken countless other actions to ensure that sufficient numbers of such professionals and providers render service to mitigate the emergency related to COVID-19; and

WHEREAS all health care professionals and providers who have answered the State's request to respond to the threat of COVID-19 deserve assurance that, consistent with longstanding California laws protecting the provision of health care during emergencies, services they provide consistent with the requirements of the emergency will not give rise to liability against them; and

WHEREAS this assurance promotes the State's interest in maximizing the number of health care professionals and providers who continue to respond to the threat of COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) All licensed health care professionals and providers; all interns, students, or other trainees providing health care in a manner consistent with state laws regulating the licensing of such health care (including, but not limited to, any licensure or scope-of-practice waivers or other waivers issued during this State of Emergency); all health care provider groups (including, but not limited to, all medical groups, independent practice associations, risk bearing organizations, and accountable care organizations), health care service plans, and health insurers; residential care facilities, senior living providers, and all licensed health care facilities of any kind (including, but not limited to, any facilities operating under a waiver issued during this State of Emergency and not limited by the definition of "health facility" in Health and Safety Code section 1250); and any employees of any of the foregoing, shall enjoy the immunity set forth in Government Code section 8659 in connection with the health care services set forth in Paragraph 2, such that those individuals and entities shall have no liability for (and no action of any kind, including but not limited to any civil action, any disciplinary proceeding, or any other administrative proceeding, may be brought or maintained against any such individual or entity in connection with) any injury sustained in connection with such services, except to the extent such injury is caused by fraud or other intentional

misconduct.

2) The immunity set forth in Paragraph 1 of this Order applies to any health care services (which shall include care rendered by a facility licensed by the Department of Social Services to residents of that facility) rendered throughout the duration of this State of Emergency (or until otherwise terminated by future Executive Order) that are related to, or affected by, the COVID-19 pandemic, on the condition that such services are rendered in a manner not inconsistent with any crisis care guidelines related to the COVID-19 pandemic that the State may issue during this State of Emergency. For purposes of this Order, the circumstances in which health care services are "related to, or affected by, the COVID-19 pandemic" include, but are not limited to, any circumstance in which the provision of any health care service has been reprioritized to conserve personnel or other resources needed to respond to the COVID-19 pandemic; any circumstance in which any shortage of personnel or other resources related to the COVID-19 pandemic has contributed to any alteration in the provision of (including, but not limited to, any decision not to provide) any health care service; and any other circumstance in which any increased demand for health care services or the need to protect provider or patient safety related to the COVID-19 pandemic has contributed to any alteration in the provision of (including, but not limited to, any decision not to provide) any health care service.

3) Nothing in this Order shall in any way restrict or diminish any immunity to which any individual or entity is otherwise entitled under any provision of law, including, but not limited to, Government Code section 8659 or Business and Professions Code section 2395.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of April 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State