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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Camille Sebastien Perry.

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## DIGEST

Cheek (SB 106)

Proposed law provides for limitation of liability for any health care provider or health care personnel who renders or fails to render health care services, first aid, ambulatory or mobile medical unit assistance, transportation or care delivery anywhere in the state in the course of an evacuation, sheltering, care delivery, transportation or repopulation of a health care provider facility or a failed evacuation, sheltering, care delivery, transportation or repopulation of a health care provider facility, during and following a declared state of emergency, unless the damages are caused by gross negligence or willful misconduct.

Proposed law provides the following definitions for use in proposed law:

- (1) "Declared state of emergency" means a declaration of the governor or a declaration of a parish president or any other declaration of a state of emergency by a governmental authority.
- (2) "During and following a declared state of emergency" means during the time period as set forth in the declaration and shall also be retroactive to the precipitating event requiring the declaration of disaster or public emergency and for a period of 30 days following the end of the state of emergency.
- (3) "Health care provider" shall have the same meanings as set forth in R.S. 40:1299.41(10) (medical malpractice) or R.S. 29:762(4) (Louisiana Health Emergency Powers Act).
- (4) "Health care personnel" means and includes all employees and volunteers of a health care provider facility or a mobile medical unit licensed under Louisiana law and the officers, directors, shareholders, partners, members or managers of legal entities, who own or operate a health care provider facility, or as a health care licensee, who participate and assist in the evacuation, sheltering, care delivery, transportation or repopulation of a health care provider facility.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 29:735.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Provides for immunity for health care providers or personnel who render mobile medical unit assistance.
2. Removes spouses, siblings, parents, children and grandchildren of employees and volunteers of a health care provider facility from the definition of health care personnel for purposes of proposed law.