

Georgia Governor Issues Further Executive Order Impacting Health Care

On May 12, 2020, Gov. Brian Kemp issued [Executive Order No. 05.12.20.02](#), which contains a section specific to health care businesses and practitioners (Section VI). Although the provisions of this section are in part a repetition of prior executive orders, health care businesses and practitioners should review the restated list of recommended COVID-19 mitigation procedures for “Critical Infrastructure” listed in Section V (page 10) of the Order, which applies to health care, as well as restated requirements for dental practices, optometrists, opticians, and ambulatory surgical centers.

Additionally, in an attempt to address health care liability risks and concerns connected to the pandemic, the Order updates the list of health care workers deemed “auxiliary emergency management workers” and health care services deemed “emergency management activities” for purposes of *Ga. Code Ann. § 38-3-35*—a statute that extends certain liability protections to the State of Georgia and auxiliary emergency management workers engaged in emergency management activities within the scope of the statute.

The following are designated auxiliary emergency management workers under the new Order:

- Employees, independent contractors, volunteers, or other representatives of health care facilities under the following statutes where services are performed during the Public Health State of Emergency
- *Ga. Code Ann. § 31-6-2(17)* includes, among other facilities, hospitals; destination cancer hospitals; podiatric facilities; skilled nursing facilities; intermediate care facilities; personal care homes, ambulatory surgical centers, or obstetrical facilities; freestanding emergency departments or facilities not located on a hospital’s primary campus; health maintenance organizations; home health agencies; and certain diagnostic, treatment or rehabilitation centers
- *Ga. Code Ann. § 31-44-1(6)* end state renal disease facilities, specifically including individuals who provide dialysis care under the supervision of a registered nurse or physician
- Persons licensed, certified, or otherwise authorized under Title 43, Chapter 26 (i.e., nurses) or Chapter 34 (i.e., physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, orthotics and prosthetics practice, cosmetic laser services, pain management clinics, Interstate Medical Licensure Compact, and genetic counseling) to provide health care services in the ordinary course of business or practice in a profession or an approved education or training program whose practices are affected by the COVID-19 public health emergency, subject to certain limitations with respect to abortion

The governor previously issued [Executive Orders No. 04.14.20.01](#) and [04.20.20.01](#), which provided initial lists of health care practitioners, institutions, and facilities whose workers are deemed “auxiliary emergency management workers” performing “emergency management activities” for purposes of *Ga. Code Ann. § 38-3-35* liability protection. Order No. [04.14.20.01](#) specifically addresses cardiac technicians, emergency medical technicians, paramedics, paramedic clinical receptors, air ambulance services, ambulance providers, emergency medical services systems, EMS programs, and local coordinating entities. Order No. [04.20.20.01](#) includes an expansive initial list of health care institutions and facilities.

Our Chambliss team continues to monitor health care developments and other legal impacts of the COVID-19 pandemic. Please contact [Cal Marshall](#), [Doug Griswold](#), or your relationship attorney if you have questions or need additional information.

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