

Significant Liability Protections Now in Effect for Georgia Health Care Providers

Effective August 7, 2020, the Georgia COVID-19 Pandemic Business Safety Act (GCPBSA) protects health care providers and facilities and other commercial businesses from COVID-19 exposure claims occurring on or before July 14, 2021. In particular, the GCPBSA precludes legal liability for COVID-19 liability claims unless the claimant can demonstrate gross negligence, willful and wanton misconduct, or reckless or intentional infliction of harm. The concept of a “COVID-19 liability claim” is very broad and covers not only the provision of health care services directly related to COVID-19 care, but also extends to claims where the “response to COVID-19 reasonably interfered with the arranging for or providing of health care services.” This last clause is significant to the extent that it could be interpreted to cover claims for injuries arising outside the transmission of COVID-19, but which could otherwise have been caused, at least in part, due to a provider’s response to COVID-19 (e.g., injuries arising due to a COVID-19 related staff shortage or lack of medical supplies).

In addition to these significant liability protections, the GCPBSA also creates a rebuttable presumption of an individual’s assumption of the risk when a health care facility or provider (or other commercial business) posts at a point of entry to the premises the following warning sign (in at least one-inch Arial font):

Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death result from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises.

Effectively this means that there is a legal presumption that an individual assumes the risk of contracting COVID-19 when entering a health care facility or provider’s office. This is obviously a very significant presumption and will place a steep burden on a claimant trying to prove otherwise in a legal action against a health care provider.

For further information regarding the GCPBSA, please see the [enacted statute](#).

If you have any questions, please contact [Doug Griswold](#) or another member of our [Health Care section](#).

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