

# Virginia Assembly Extends Civil Immunity to Assisted Living Facilities during the Covid-19 Pandemic

MCLEAN, VA, UNITED STATES, October 28, 2020 /EINPresswire.com/ -- Virginia Assembly Extends Civil Immunity to Assisted Living Facilities during the Covid -9 Pandemic

By Jeffrey J. Downey, Esq.

In September of 2020, the Virginia General Assembly passed legislation that extends Covid-19 civil immunity to assisted living facilities, hospice providers and adult day-care centers. Virginia law already extends liability protections to certain medical providers during disasters and emergencies, except in cases of "gross negligence or willful misconduct." In late April, Gov. Ralph Northam issued an [executive order](#) clarifying that the COVID-19 pandemic counted as a disaster under state law and outlining that shortages of protective equipment, drugs, trained medical staff and other resources could reasonably limit the ability to provide care.

[Va Code 8.01-225.02](#)

As of the passage of this bill, there were a total of 9,488 Covid-19 deaths linked to long term care facilities and some 1,376 deaths – more than half of the state's total deaths from the virus.

Opponents of the bill, including Del. Dawn Adams, pointed out that most nursing facilities have been on lockdown since the beginning of the pandemic and there was no need to "strip further rights from family and residents."

While Republicans have sought to pass such legislation to prevent the "flood of lawsuits" anticipated from the virus, the reality is that there will be no flood of litigation, explains Jeffrey J. Downey. Downey, an attorney who focuses his practice on long term care malpractice, explains that few attorneys are even taking on such cases that can present a myriad of causation and other barriers to prosecution. We heard these same arguments by the Trump administration when the Senate held up another stimulus package because the democrats would not limit the rights of numerous seniors who died in long term care facilities, explains Downey. For more information on how the administration mishandled the Covid-19 pandemic as relates to nursing homes, [click here](#). Now the Virginia legislature is doing what the Trump administration failed to do. Given the lax regulatory enforcement in nursing homes and reduced fines, nursing homes are less accountable both civilly and administratively. Now assisted living facilities will be given the same type of immunity that nursing homes have against Covid-19 lawsuits, even where the facility engages in negligent conduct that spreads Covid-19 to its residents.

The CDC published some strategies for reducing the spread of COVID-19 in nursing homes. <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html> But without additional funding and resources, an overburdened long-term care system is not going to be able to address the severe challenges that will be presented by the Corona Virus.

For our region...here are several links that provide up to date information on COVID-19 cases.

Virginia - <http://www.vdh.virginia.gov/surveillance-and-investigation/novel-coronavirus/>

Maryland - <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx>

DC - <https://coronavirus.dc.gov/>

If you have questions about the Coronavirus or if a loved one has been injured or neglected in a long-term care facility, contact the Law Office of Jeffrey J. Downey, P.C. for a free consultation. Serving clients in Virginia, Maryland, and the District of Columbia.

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