

**ADMINISTRATIVE ORDER NO. 2022-003****DATE: JANUARY 13, 2022****SUBJECT: LIABILITY PROTECTIONS FOR PERSONS PROVIDING SERVICES TO THE DISTRICT DURING THE COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION**

By virtue of the authority vested in me by the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247, effective March 17, 2020, and any subsequent COVID-19 legislation; and Mayor's Order 2022-008 issued on January 11, 2022, it is hereby **ORDERED**:

**I. PURPOSE**

The purpose of this Administrative Order is to set forth certain authorities of the Department of Health necessary to address COVID-19 as determined by the Director of the Department of Health. This Order may be amended for time to time as needed and shall be binding on all persons and entities regulated by the Department of Health.

**II. FINDINGS**

The Director of the Department of Health, as the lead in the District's efforts in containment and mitigation of COVID-19, may:

1. Coordinate emergency response activities with local, regional, or federal agencies, the private sector and non-governmental organizations, in furtherance of the District's response to COVID-19;
2. Register, contract, and appoint licensed, registered, and certified health care providers, either from the District of Columbia or from other jurisdictions, as temporary agents of the District of Columbia with or without compensation provided that they are licensed, registered, or certified and in good standing in their home jurisdictions in their fields of expertise, and meet District's suitability requirements;
3. Register and appoint lay volunteers to support the efforts of the District's medical response to COVID-19; and,
4. Provide certain liability protections have been afforded to persons serving as employees or agents of the District of Columbia Government to carry out the COVID-19 response efforts.

The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020, amended section 5a(d) of the Public Health Protection Amendment Act, D.C. Official Code § 7-2304.01(d), to create a subsection 3A stating a public health emergency executive order may include terms that:

Exempt any person, employee of the District of Columbia not otherwise exempt under existing law, or contractor providing services arising out of a contract with the District of Columbia from civil liability for damages for actions taken while acting within the scope of their employment or organization's purpose, voluntary service, or scope of work to implement the provisions of the District of Columbia response plan and of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), except in instances of gross negligence, and solely for actions taken during the public health emergency[.]

The foregoing provision has expired and was not permanently enacted. However, D.C. Official Code § 7-2304.01(d)(3) does provide that a public health emergency executive order may include terms that:

Exempt licensed health care providers, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the provider's employment or voluntary service to implement the provisions of the District of Columbia response plan and of subchapter II of Chapter 1 of this title, except in instances of gross negligence, and solely for actions taken during the public health emergency[.]

### III. ORDER

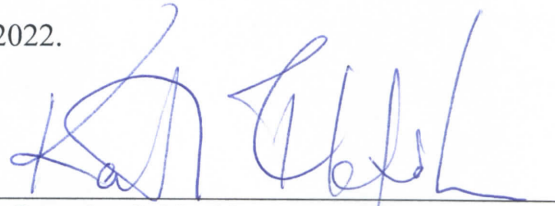
Pursuant to the Mayor's delegation to the Director of the Department of Health, any licensed health care providers, either from the District of Columbia or from other jurisdictions, are exempt from civil liability for damages for any actions taken within the scope of the provider's employment or voluntary service to implement the provisions of the District of Columbia response plan and of subchapter II of Chapter 1 of Title 7 of the D.C. Official Code, except in instances of gross negligence, and solely for actions taken during the declared public health emergency.

**IV. DURATION OF ORDER**

This Order shall remain in effect during the period of Public Health Emergency as declared by the Mayor in Mayor's Order 2022-008 as may be extended, unless earlier rescinded or superseded.

**IV. EFFECTIVE DATE**

This Order shall become effective on January 11, 2022.



LaQuandra S. Nesbitt, MD, MPH  
Director  
District of Columbia Department of Health