

February 4, 1999

**H 27. EMER. SHELTER/HEALTH FACIL. IMMUNITY (=S 34).** *TO PROVIDE IMMUNITY FROM LIABILITY FOR CERTAIN LICENSED HEALTH CARE FACILITIES THAT PROVIDE TEMPORARY SHELTER OR SERVICES DURING DISASTERS AND EMERGENCIES.* Adds new GS 131E-112 to provide that health care facility or home care agency licensed under article that provides, with or without compensation, temporary shelter or temporary services to handicapped people during disaster or emergency declared under federal law or under Art. 1, GS Ch. 166A, or Art. 36A, GS Ch. 14, at request of emergency management agency implementing emergency management plan or program approved by governmental agency having authority over emergency management agency, is not liable for personal injury, wrongful death, property damage, or other loss caused by facility's or home care agency's acts or omissions in providing shelter or services (but excludes immunity for gross negligence, wanton conduct, or intentional wrongdoing). Immunity applies only to shelter or services that: (1) facility or home care agency is licensed to provide during its ordinary course of business; (2) are provided in accordance with agreement between health care facility or home care agency and emergency management agency; and (3) are provided for not more than 45 days after declaration of emergency or disaster, unless 45-day immunity period is extended by Governor's executive order issued under emergency executive powers. Comm'n rules concerning facilities or home care agencies are waived to extent necessary to allow facility or home care agency to provide temporary shelter and temporary services requested by emergency management agency, with exception provided in act. Adds new GS 131D-7 to enact identical provisions described above for licensed adult care home. Effective July 1, 1999; applies to shelter or services provided on and after that date.

**Intro. by Clary.**

Ref. to Rules

GS 131E, 131D