

A large, dark blue, semi-transparent graphic on the right side of the slide features a close-up of a person's eye. The eye is light-colored, possibly green or hazel, and is looking directly at the viewer. The background of the graphic is a blurred, dark blue color.

**Member Briefing  
Fall 2020—Virginia**

# Virginia Legislative Update

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# SafeHaven™ ... The Problems

- Physicians and PAs fear their employer and Board of Medicine will **alter their employment and/or license status** if they discuss their personal burnout.
- Physicians and PAs fear their mental health status will be discovered and **held against them in a medical malpractice trial.**
- Physicians and PAs **do not feel protected** when they need to seek help to address personal burnout concerns.
- Without providing legal protections by changing the law, **those suffering most would continue to isolate versus seek help.**

# SafeHaven™ ... The Solution

- During the 2020 General Assembly Session, MSV focused on changing the law to allow physicians to seek professional support to address burnout.
- Governor Northam signed HB115, by way of emergency legislation, on March 8, 2020.
- Virginia is the first state in the nation to have such legislation to protect and support physicians and PAs.

# SafeHaven™ ... The Solution

- Gives more professional discretion to the provider on when to report to the board when he/she believes the physician is of danger to themselves or others.
- Specifically adds that all participants of the MSV SafeHaven™ program are immune from reporting unless they are a danger to themselves or others.

# SafeHaven™ ... The Protections

- Amendments include the MSV SafeHaven™ Program in with the existing protections through the code in the event of a lawsuit.
- Consultations which take place under the scope of the MSV SafeHaven™ Program would be considered privileged communications.
- There are extraordinary circumstances where the communication will become discoverable.

# Other Virginia Legislation to Note

- **Telehealth:**

- <https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5046>

- **VMAP:**

- <https://budget.lis.virginia.gov/amendment/2020/2/HB5005/Introduced/MR/479.10/11h/>

- **PPE Price Gouging:**

- <https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5047>

# Va. COVID-19 Civil Immunities



Commonwealth of Virginia  
Office of the Governor

## *Executive Order*

**NUMBER SIXTY (2020)**

**CLARIFICATION OF CERTAIN IMMUNITY FROM LIABILITY FOR  
HEALTHCARE PROVIDERS IN RESPONSE TO  
NOVEL CORONAVIRUS (COVID-19)**





# Executive Order #60 (4/28/2020)

- Clarifies the application of state liability protections under §8.01-255.01 and §8.01-255.02 of the Virginia Code to healthcare providers who respond to COVID-19.
- The order, coupled with the referenced statutory sections, ensures civil liability immunity for healthcare providers who
  - Use triage strategies, such as prioritizing which patients receive care and deviating from the standard of care, during the COVID-19 emergency
  - Lack PPE necessary to treat as they would pre-pandemic
  - Lack trained staff
  - Treat in a manner that exceeds their credentials under non-pandemic care circumstances

# Executive Order #60 (4/28/2020)

- No immunity for gross negligence or willful misconduct
- Fails to extend the same liability protection to healthcare facilities, including nursing home or long-term care facilities
- We can provide to you the full text of the EO upon request.