

Liability, Immunity, and Countermeasures

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Governmental entities & employees

- 1 Will enjoy immunity for good faith discretionary acts in most cases
 - Govt. immunity for negligence
 - Constitutional immunity or qualified immunity
 - EMAC
 - State emergency response statutes
- 1 Possibly vulnerable to invasion of privacy, breach of confidentiality & Americans with Disabilities Act claims

Volunteers



- 1 Enjoy extensive protection
 - Good Samaritan statutes
 - Volunteer Protection Acts
 - State emergency response statutes
- 1 Volunteer means an individual, not an entity and usually cannot be compensated

Paid private sector responders & entities

- 1 Generally not entitled to immunity unless
 - provided by state emergency law
 - PREP Act is relevant
 - Section 1135 waiver



Article

- 1 Responders' Responsibility: Liability and Immunity in Public Health Emergencies
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