



NEW YORK STATE SENATOR

Alessandra Biaggi

SENATOR BIAGGI AND THE SENATE MAJORITY PASS LEGISLATION REPEALING IMMUNITY PROTECTIONS

ALESSANDRA BIAGGI March 26, 2021

ALBANY, NY – This week Senator Alessandra Biaggi and the Senate Democratic Majority passed legislation ([S5177](#)) to repeal the Emergency or Treatment Protection Act which granted healthcare facilities, including nursing homes, broad corporate immunity from civil or criminal liability. This immunity was slipped in last year's budget and prevented health care facilities, administrators, and executives from being held accountable for harm and damages incurred at facilities for the duration of the COVID-19 state of emergency.

The immunity provisions were designed to protect corporate leadership and those at the higher level of ownership and management at healthcare facilities. The New York State Attorney General's January report on nursing homes found that the liability protections may have incentivized nursing home executives to cut corners, putting both patients and frontline workers in danger. S5177 will fully repeal the remaining protections under the immunity provision, and restore families with sick loved ones with the very same protections they had prior to the pandemic.

“During the early months of the pandemic, the Legislature granted healthcare facilities broad corporate immunity stripping grieving families of their right to seek proper legal recourse and potentially incentivizing nursing home executives to cut corners. Now knowing

that we would lose over 15,000 nursing home residents to COVID-19, we have a duty to right this wrong and fully repeal the remaining protections. I'm proud to sponsor S.5177 and join my colleagues in passing this legislation in honor of the thousands of New Yorkers we lost in nursing homes and their grieving families looking for answers," said **State Senator Alessandra Biaggi**.

"This repeal, along with the package of nursing home reforms already passed, is the best way to assure New Yorkers their elders will be protected in our state. The nursing home crisis led to countless unnecessary deaths because the governor gave corporate immunity to the worst operators. Resources for care and protection that could have saved lives were diverted or sacrificed for profit. I am grateful to Senator Biaggi for her unwavering support and tenacity to repeal Article 30-D, and to the Senate Majority for taking a moral stance on this issue," said **Assembly Member Ron Kim**.

"This is an important step toward righting the wrong the State slipped into the budget last year. AARP New York thanks Senator Biaggi and Assemblyman Kim for their leadership and their colleagues for overwhelming and bipartisan support for restoring the rights of nursing home residents and their families to hold long-term care facilities accountable for negligent care delivered during the pandemic," said **AARP New York State Director Beth Finkel**.

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