

2018 SESSION

INTRODUCED

18102726D

HOUSE BILL NO. 884

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 37.2 a section numbered 37.2-804.3, relating to treatment pursuant to judicial order; when provider not liable.*

Patron—Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 37.2 a section numbered 37.2-804.3 as follows:

§ 37.2-804.3. When health professional or licensed hospital not liable.

No licensed health professional or licensed hospital, including any hospital licensed by the Department of Health pursuant to § 32.1-123, that provides treatment, testing, or detention pursuant to an order for emergency custody, temporary detention, or involuntary treatment in accordance with the provisions of this chapter shall be liable for any cause of action arising from a claim that an individual for whom treatment, testing, or detention was provided lacked the capacity to consent to the treatment, testing, or detention.

No licensed health professional or licensed hospital, including any hospital licensed by the Department of Health pursuant to §32.1-123, that provides treatment to an individual who has consented to such treatment shall be liable for any cause of action arising from a claim that the person who received such treatment lacked the capacity to consent if a judge or special justice has denied a petition for emergency custody, temporary detention, or involuntary commitment on the grounds that the person did not meet the criteria for emergency custody, temporary detention, or involuntary commitment.

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HB884