

# **Bond Case Briefs**

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## **IMMUNITY - GEORGIA**

### **Howard v. Coffee Regional Medical Center, Inc.**

**Court of Appeals of Georgia - November 3, 2025 - S.E.2d - 2025 WL 3073948**

Hospital patient's wrongful death beneficiary brought action for wrongful death against hospital, physician, and physician's group, predicated on medical malpractice, arising out of patient's death due to defendants' failure to move him to intensive care unit (ICU), after he presented to emergency room with altered mental status, despite order that he be moved to ICU, and failure to monitor him accordingly, after which his blood pressure dropped to level that was inconsistent with life, as well as his temperature and oxygen level.

The trial court granted defendants' motions for summary judgment, and beneficiary appealed.

The Court of Appeals held that:

- Hospital was not auxiliary emergency management worker entitled to immunity from liability under Georgia Emergency Management Act (GEMA);
- Governor's COVID-19 executive order could not be construed as extending immunity from liability under GEMA to hospital;
- Hospital's nurses' immunity from liability under GEMA did not extend vicariously to hospital;
- Fact issues precluded summary judgment for physician on defense that she entitled to immunity under GEMA;
- Georgia COVID-19 Pandemic Business Safety Act (PBSA) did not apply retroactively to alleged medical malpractice that resulted in patient's death that occurred before PBSA's enactment; and
- Hospital's brief, isolated assertion in footnote of reply to beneficiary's opposition to hospital's motion for summary judgment that Public Readiness and Emergency Preparedness Act (PREP Act) "provide[d] further grounds for immunity" was insufficient to raise issue as alternative basis for summary judgment.