



# NORTH CAROLINA ADVOCATES *for* JUSTICE

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FOR IMMEDIATE RELEASE

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## **NC Advocates for Justice Urge Governor To End State of Emergency**

### **Unintended Consequences of Executive Order Are Harming State's Most Vulnerable**

**RALEIGH** - The North Carolina Advocates for Justice have asked Gov. Roy Cooper to rescind Executive Order No. 116 and end the state of emergency it imposes in an effort to protect some of the most vulnerable North Carolinians – the elderly, infirm and those with disease and illness not related to COVID-19. (See letter here.)

These groups are suffering from the unintended consequences of the order, which is tied to a law ([North Carolina General Statutes §§ 90-21.131 to 90-21.134](#)) that grants nursing homes, hospitals, and other healthcare providers broad immunity from their responsibility to provide competent care. The law could limit the access that victims and families have to seek justice for the pain and suffering they experienced even if their experiences are not related to COVID-19. The law's provisions remain effective while the state of emergency is imposed.

“NCAJ understood the need for the law when it was enacted at the start of the pandemic, but we have long been concerned about its overly broad language,” said NCAJ Executive Director Kim Crouch. “We could see that the law would unintentionally put vulnerable North Carolinians at risk. We believe that it has, and that risk will continue as long as this law is in effect.”

The law was created early in the pandemic to address the needs of health care providers during the worst of the COVID-19 crisis. But bad actors across the state have had the opportunity to use the law to fend off responsibility in cases that have nothing to do with COVID-19.

“We are asking Gov. Cooper to rescind Executive Order No. 116 so that the state of emergency will be lifted,” said NCAJ President John McCabe. “We have a responsibility to advocate for the restoration of the rights of our most vulnerable citizens, who continue to suffer without recourse at the hands of nursing homes, hospitals, and health care systems.”

NCAJ member attorneys are representing plaintiffs in many of these cases.

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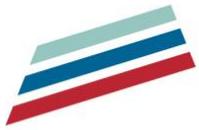
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In Wilmington, an 80-year-old man was beaten to death by a fellow nursing home resident who had a history of violence.

- [WRAL: Companies abusing NC COVID immunity law in nursing home deaths, lawyers and families say](#)

In Durham, an elderly nursing home resident died after the home failed to hospitalize her for complications related to a bedsore.

- **[Pro Publica: The Nursing Home Didn't Send Her to the Hospital, and She Died](#)**
- **[The Washington Post: Long-term-care facilities are using the pandemic as a shield, even in lawsuits unrelated to covid-19](#)**

Several news outlets have highlighted the problems arising from this law and others law like it around the country, including a [News & Observer op-ed](#) that quoted Crouch in May 2020 and a [commentary in North Carolina Lawyers Weekly](#) in May 2020 authored by NCAJ member [Carma Henson](#), who is representing plaintiffs in a related case.