

HOUSE No. 1485

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to emergency and disaster planning for health care providers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Michael Barrett</i>	<i>Third Middlesex</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>

HOUSE No. 1485

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 1485) of Elizabeth A. Malia and others for legislation to exempt health care providers from liability when rendering certain emergency care. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to emergency and disaster planning for health care providers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting after section 224 the following section:

3 Section 225. Notwithstanding the provisions of any general or special law or any rule or
4 regulation to the contrary, no health care provider, as defined in section 1 of this chapter or a
5 health care provider licensed under chapter 112, shall be liable in a suit for damages or
6 administrative sanctions as a result of good-faith acts or omissions while engaged in the
7 performance of their duties in rendering emergency care; or providing treatment, advice, or
8 assistance during a Governor declared statewide or regional pandemic or disaster; the activation
9 of a hospital code help plan, so called; or due to a determination by the Department that there
10 exists a critical shortage of available supplies to treat patients. This section does not apply in the
11 case of willful, wanton, or reckless actions unrelated to the performance of their duties.