

HOUSE No. 1956

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 adoption of the accompanying bill:

An Act relating to liability protection for disaster volunteers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>

Paul McMurtry

11th Norfolk

Chris Walsh

6th Middlesex

Marc R. Pacheco

First Plymouth and Bristol

Paul Brodeur

32nd Middlesex

HOUSE No. 1956

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1956) of Sean Garballey and others relative to liability protection for disaster volunteers. Public Health.

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
—————

An Act relating to liability protection for disaster volunteers.

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 112 of the general laws, as appearing in the 2012 Official Edition, is
2 hereby amended by adding the following sections:-

3 Section 12C ½:-

4 Whereas licensed registered nurses are critical, necessary volunteers in disasters and
5 emergencies occurring in the commonwealth, in order to provide for community need, as
6 volunteers they require protection from the commonwealth for licensure board discipline; for
7 civil and/or criminal liability and/or prosecution for injury or harm caused to a patient cared for
8 while serving as a volunteer; and for protection from injury or harm he/she personally suffers
9 during the course or as a result of his/her volunteer service.;

10 Section 12 C ½ (a) As used in this section, the following words, shall, unless the context
11 clearly requires otherwise, have the following meanings:-

12 “Disaster”, an emergency detrimental to the public health declared by the governor of the
13 commonwealth of Massachusetts under section 2A of Chapter 17; a state of emergency declared
14 by the governor under chapter 639 of the Acts of 1950 (“Civil Defense Act”); and/or a public
15 health incident where local public health authorities have issued a request for volunteers because
16 local resources have been or are expected to be exhausted or are insufficient.

17 “Patient”, an individual who receives health services from a licensed registered nurse
18 during a declared disaster or emergency.

19 “Volunteer”, a licensed registered nurse in good standing who volunteers his/her services
20 in a disaster or emergency without compensation or expectation of payment.

21 Section 12 C ½ (b) Exemption from licensure discipline and civil and criminal liability

22 12 C ½ (b) A registered nurse licensed in the commonwealth of Massachusetts with no
23 encumbrance on his/her license who provides oversight or direct care to patients who are victims
24 of a disaster or emergency declared by the governor of the commonwealth of Massachusetts or
25 local public health authorities is not subject to licensure board discipline under sections 74 to
26 81C of chapter 112 of the general laws, or to civil or criminal liability or prosecution for any
27 injury or harm that results from any act or omission that does not amount to criminal negligence:

28 Section 12 C ½ (c) Volunteer protection from harm

29 12 C ½ (c) A volunteer as defined in 12 C ½ (a) who sustains injury, disability or who
30 dies while serving as a volunteer shall be construed to be an employee of the commonwealth and
31 shall be compensated in like manner as state employees are compensated under the provisions of
32 sections 69 through 75 of chapter 152 of the general laws.