

HOUSE No. 2457

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>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>

HOUSE No. 2457

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2457) of Sean Garballey and others relative to liability protection for disaster volunteers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1956 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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.