

**HOUSE . . . . . No. 00593**

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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 passage 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>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

# HOUSE . . . . . No. 00593

By Mr. Sean Garballey of Arlington, petition (accompanied by bill, House, No. 00593) of Benjamin Swan and others relative to liability protection for disaster volunteers. Joint Committee on Public Health.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 Chapter 112 of the General Laws is hereby amended by adding the following section 12C ½:-
- 2 Whereas licensed registered nurses are critical, necessary volunteers in disasters and emergencies
- 3 occurring in the Commonwealth, in order to provide for community need, as volunteers they
- 4 require protection from the Commonwealth for licensure board discipline; for civil and/or
- 5 criminal liability and/or prosecution for injury or harm caused to a patient cared for while
- 6 serving as a volunteer; and for protection from injury or harm he/she personally suffers during
- 7 the course or as a result of his/her volunteer service.
- 8 Section 12 C ½ (a) Definitions
- 9 12 C 1/2 (a) As used in this section, the following words, shall, unless the context clearly
- 10 requires otherwise, have the following meanings:-

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

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

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

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

21 12 C ½ (b) The following persons and entities are not subject to licensure board discipline under  
22 section 74 to 81C of chapter 112 of the general Laws, or to civil or criminal liability or  
23 prosecution for any injury or harm that results from any act or omission that does not amount to  
24 criminal negligence:

25 1. A registered nurse licensed in the commonwealth of Massachusetts with no encumbrance  
26 on his/her license who provides oversight or direct care to patients who are victims of a disaster  
27 or emergency declared by the governor of the commonwealth of Massachusetts or local public  
28 health authorities.

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

30 12 C ½ (d) A volunteer as defined in 12 C ½ (a) who sustains injury, disability or who dies  
31 while serving as a volunteer shall be construed to be an employee of the commonwealth and

32 shall be compensated in like manner as state employees are compensated under the provisions of  
33 sections 69 through 75 of chapter 152 of the general Laws.