

**SENATE . . . . . No. 01155**

The Commonwealth of Massachusetts

PRESENTED BY:

***Richard T. Moore***

*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 public health volunteer responders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Katherine M. Clark</i>	<i>Middlesex and Essex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Edward Coppinger</i>	<i>10th Suffolk</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>

<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>William "Smitty" Pignatelli</i>	<i>4th Berkshire</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

# SENATE . . . . . No. 01155

By Mr. Moore, petition (accompanied by bill, Senate, No. 1155) of Tarr, Spilka, Puppolo and other members of the General Court for legislation relative to public health volunteer responders [Joint Committee on Public Health].

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act relative to public health volunteer responders.

*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 2008 Official  
2 Edition, is hereby amended by inserting after section 25K the following sections:-

3           Section 25L. (a) The department of public health shall establish a registry of  
4 volunteer personnel who are available to provide services, including but not limited to health and  
5 medical services. The registry shall be known as MA Responds. The department may establish  
6 requirements for registration including but not limited to completion of training.

7           (b) The department shall establish a process to identify personnel in the MA  
8 Responds, which may include a requirement for photographic identification.

9           (c) The commissioner of public health may activate MA Responds:

10 (1) during an emergency detrimental to the public health declared by the  
11 governor under section 2A of chapter 17;

12 (2) during a state of emergency declared by the governor under chapter 639  
13 of the acts of 1950, as amended;

14 (3) during a public health incident that demands an urgent response;

15 (4) pursuant to a request from a local public health authority when local  
16 resources have been or are expected to be exhausted, or

17 (5) pursuant to an official request from another state or from a province of  
18 Canada.

19 The location of duty may be within the commonwealth, or may be in another state or a province  
20 of Canada if an official request for assistance has been received from such state or province.

21 (d) If the situation within Massachusetts for which the MA responds registration  
22 system requires either numbers or expertise of personnel that are beyond the capacity of said  
23 system to provide, the commissioner may request personnel from other states having similar  
24 personnel registries. In such a case, out of state personnel when acting as authorized personnel  
25 in Massachusetts shall receive the protections provided in subsections (g) and (h) to members of  
26 MA Responds. The subsection shall not apply to or affect a deployment under chapter 339 of the  
27 Acts of 2000, known as the Interstate Emergency management Assistance Compact, or under  
28 section 58 of chapter 300 of the Acts of 2002, known as the International Emergency  
29 management Assistance Compact.

30 (e) Any mobile assets and response resources of the National Disaster Medical System  
31 in Massachusetts may be activated for duty when they are not formally activated in federal  
32 service, by the commissioner under the circumstances stated in subsection (c), subparagraphs (1)  
33 through (4). When so activated, individuals who are members of the National Disaster Medical  
34 System shall receive the protections provided in subsections (g) and (h) to members of the  
35 Massachusetts system for advance registration.

36 (f) Any Massachusetts medical reserve corps established pursuant to section 300hh-  
37 15 of chapter 42 of the United States code and any volunteers affiliated with the MA Responds  
38 registration system for public health, health care, and emergency response volunteers may be  
39 activated for duty under the circumstances stated in subsection (c), subparagraphs (1) through  
40 (4), and when such activation is requested by a local public health authority, including a medical  
41 reserve corps director or coordinator and authorized by the commissioner, members of such  
42 corps shall receive the protections provided in subsections (g) and (h) to members of MA  
43 Responds.

44 (g) In the absence of any other protections provided by law, whenever activated for  
45 duty, members of MA Responds shall be construed to be employees of the commonwealth for  
46 the purposes of chapter 258 of the general laws.

47 (h) In the absence of any other benefits provided by law, any member of MA  
48 Responds who dies or who sustains disability or injury while activated for duty shall be  
49 construed to be an employee of the commonwealth and shall be compensated in like manner as  
50 state employees are compensated under the provisions of sections 69 through 75 of chapter 152  
51 of the general laws.

52 (i) The department of public health is authorized to promulgate rules and regulations  
53 to implement this section.

54 SECTION 2. Section 12C of chapter 112 is hereby amended by striking the  
55 section in its entirety and replacing it with the following:

56 Section 12C. No physician or nurse administering immunization or other protective  
57 programs under local, regional or state public health programs, or participating in a local,  
58 regional or state preparedness program, and no other person assisting in a local, regional or state  
59 protective program or participating in a local, regional or state preparedness program, including a  
60 member of any Massachusetts medical reserve corps established pursuant to section 300hh-15 of  
61 chapter 42 of the United States code, and any volunteers affiliated with the MA Responds  
62 registration system for public health, health care, and emergency response volunteers shall be  
63 liable in a civil suit for damages as a result of any act or omission on his part in carrying out his  
64 duties.