

**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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<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 J. 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>	

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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.

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**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.