

HOUSE No. 593

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:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/19/2011</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>2/4/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/3/2011</i>
<i>Thomas P. Kennedy</i>		<i>2/3/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/3/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>

HOUSE No. 593

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 593) of Sean Garballey and others relative to liability protection for disaster volunteers. 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

2 ½:-

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

9 Section 12 C ½ (a) Definitions

10 12 C 1/2 (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 Ch 17; a state of emergency declared by
14 the governor under chapter 639 of the Acts of 1950 (“Civil Defense Act”); and/or a public health
15 incident where local public health authorities have issued a request for volunteers because local
16 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) The following persons and entities are not subject to licensure board
23 discipline under section 74 to 81C of chapter 112 of the general Laws, or to civil or criminal
24 liability or prosecution for any injury or harm that results from any act or omission that does not
25 amount to criminal negligence:

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

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

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

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