

SENATE No. 1155

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 adoption of the accompanying bill:

An Act relative to public health volunteer responders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Gale D. Candaras</i>	
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Eileen M. Donoghue</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James B. Eldridge</i>	
<i>Jennifer L. Flanagan</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>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Karen E. Spilka</i>	
<i>Bruce E. Tarr</i>	

SENATE No. 1155

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

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
2 Official 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
11 by the governor under section 2A of chapter 17;

12 (2) during a state of emergency declared by the governor under
13 chapter 639 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
16 local resources have been or are expected to be exhausted, or

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

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

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

31 (e) Any mobile assets and response resources of the National Disaster Medical
32 System in Massachusetts may be activated for duty when they are not formally activated in

33 federal service, by the commissioner under the circumstances stated in subsection (c),
34 subparagraphs (1) through (4). When so activated, individuals who are members of the National
35 Disaster Medical System shall receive the protections provided in subsections (g) and (h) to
36 members of the Massachusetts system for advance registration.

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

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

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

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

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

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