

HOUSE No. 1965

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:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

HOUSE No. 1965

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1965) of Sean Garballey and others relative to liability protection for disaster volunteers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 593 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 SECTION 1. Chapter 112 of the General Laws is hereby amended by adding the
2 following section: -

3 Section 12C ½:-

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

10 Section 12 C ½ (a) Definitions

11 12 C 1/2 (a) As used in this section, the following words, shall, unless the context
12 clearly requires otherwise, have the following meanings:-

13 “Disaster”, an emergency detrimental to the public health declared by the governor of the
14 commonwealth of Massachusetts under section 2A of Ch 17; a state of emergency declared by
15 the governor under chapter 639 of the Acts of 1950 (“Civil Defense Act”); and/or a public health

16 incident where local public health authorities have issued a request for volunteers because local
17 resources have been or are expected to be exhausted or are insufficient.

18 "Patient", an individual who receives health services from a licensed registered nurse
19 during a declared disaster or emergency.

20 "Volunteer", a licensed registered nurse in good standing who volunteers his/her services
21 in a disaster or emergency without compensation or expectation of payment.

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

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

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

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

32 12 C ½ (c) A volunteer as defined in 12 C ½ (a) who sustains injury, disability or who
33 dies while serving as a volunteer shall be construed to be an employee of the commonwealth and
34 shall be compensated in like manner as state employees are compensated under the provisions of
35 sections 69 through 75 of chapter 152 of the General Laws.