

SENATE No. 1218

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 liability protection for disaster volunteers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>

SENATE No. 1218

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1218) of Michael F. Rush, Michael O. Moore, Paul McMurtry, Jason M. Lewis and other members of the General Court for legislation relative to liability protection for disaster volunteers. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative 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, as appearing in the 2012 Official Edition,
2 is hereby amended by adding the following sections:-

3 Section 12C ½. Whereas licensed registered nurses are critical, necessary volunteers in
4 disasters and emergencies occurring in the commonwealth, in order to provide for community
5 need, as volunteers they require protection from the commonwealth for licensure board
6 discipline; for civil and/or criminal liability and/or prosecution for injury or harm caused to a
7 patient cared for while serving as a volunteer; and for protection from injury or harm he/she
8 personally suffers during the course or as a result of his/her volunteer service.;

9 (a) As used in this section, the following words, shall, unless the context clearly requires
10 otherwise, have the following meanings:-

11 “Disaster”, an emergency detrimental to the public health declared by the governor of the
12 commonwealth of Massachusetts under section 2A of Chapter 17; a state of emergency declared

13 by the governor under chapter 639 of the Acts of 1950 (“Civil Defense Act”); and/or a public
14 health incident where local public health authorities have issued a request for volunteers because
15 local resources have been or are expected to be exhausted or are insufficient.

16 “Patient”, an individual who receives health services from a licensed registered nurse
17 during a declared disaster or emergency.

18 “Volunteer”, a licensed registered nurse in good standing who volunteers his/her services
19 in a disaster or emergency without compensation or expectation of payment.

20 (b) A registered nurse licensed in the commonwealth of Massachusetts with no
21 encumbrance on his/her license who provides oversight or direct care to patients who are victims
22 of a disaster or emergency declared by the governor of the commonwealth of Massachusetts or
23 local public health authorities is not subject to licensure board discipline under sections 74 to
24 81C of chapter 112 of the general laws, or to civil or criminal liability or prosecution for any
25 injury or harm that results from any act or omission that does not amount to criminal negligence:

26 (c) A volunteer as defined in subsection (a) who sustains injury, disability or who dies
27 while serving as a volunteer shall be construed to be an employee of the commonwealth and
28 shall be compensated in like manner as state employees are compensated under the provisions of
29 sections 69 through 75 of chapter 152 of the general laws.