HOUSE DOCKET, NO. 767 FILED ON: 1/14/2019

HOUSE . . . . . No. 1888

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:
Sean Garballey	*23rd Middlesex*	*1/14/2019*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*1/25/2019*
Tackey Chan	*2nd Norfolk*	*1/28/2019*
John C. Velis	*4th Hampden*	*1/29/2019*
Denise C. Garlick	*13th Norfolk*	*1/29/2019*
Natalie M. Higgins	*4th Worcester*	*1/29/2019*
Peter Capano	*11th Essex*	*1/30/2019*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/30/2019*
Hannah Kane	*11th Worcester*	*1/30/2019*
Elizabeth A. Malia	*11th Suffolk*	*1/31/2019*
Steven Ultrino	*33rd Middlesex*	*1/31/2019*
Kimberly N. Ferguson	*1st Worcester*	*1/31/2019*
Brian M. Ashe	*2nd Hampden*	*1/31/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/31/2019*
Daniel J. Ryan	*2nd Suffolk*	*1/31/2019*
Mary S. Keefe	*15th Worcester*	*1/31/2019*
Mindy Domb	*3rd Hampshire*	*1/31/2019*
Mike Connolly	*26th Middlesex*	*1/31/2019*

Michael D. Brady	*Second Plymouth and Bristol*	*2/1/2019*
Daniel M. Donahue	*16th Worcester*	*2/1/2019*
Harold P. Naughton, Jr.	*12th Worcester*	*2/1/2019*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2019*
David Allen Robertson	*19th Middlesex*	*2/1/2019*
Jack Patrick Lewis	*7th Middlesex*	*2/1/2019*
James K. Hawkins	*2nd Bristol*	*2/1/2019*
Carlos González	*10th Hampden*	*2/1/2019*
Stephan Hay	*3rd Worcester*	*2/1/2019*
James Arciero	*2nd Middlesex*	*2/1/2019*

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HOUSE . . . . . No. 1888

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1888) of Sean Garballey and others relative to liability protection for disaster volunteers. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

Section 1: Chapter 112 of the general laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sections:-

Section 12C ½:-

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

Section 12 C ½ (a) As used in this section, the following words, shall, unless the context clearly requires otherwise, have the following meanings:-

“Disaster”, an emergency detrimental to the public health declared by the governor of the commonwealth of Massachusetts under section 2A of Chapter 17; a state of emergency declared by the governor under chapter 639 of the Acts of 1950 (“Civil Defense Act”); and/or a public health incident where local public health authorities have issued a request for volunteers because local resources have been or are expected to be exhausted or are insufficient.

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

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

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

12 C ½ (b) A registered nurse licensed in the commonwealth of Massachusetts with no encumbrance on his or her license who provides oversight or direct care to patients who are victims of a disaster or emergency declared by the governor of the commonwealth of Massachusetts or local public health authorities is not subject to licensure board discipline under sections 74 to 81C of chapter 112 of the general laws, or to civil or criminal liability or prosecution for any injury or harm that results from any act or omission that does not amount to criminal negligence:

Section 12 C ½ (c) Volunteer protection from harm

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

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