

HOUSE BILL REPORT

HB 2539

As Reported by House Committee On:

Health Care
Appropriations

Title: An act relating to disaster medical assistance teams.

Brief Description: Concerning disaster medical assistance teams.

Sponsors: Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins.

Brief History:

Committee Activity:

Health Care: 1/24/06, 1/27/06 [DP];

Appropriations: 2/4/06 [DPS].

Brief Summary of Substitute Bill

- Requires the Military Department to pursue an agreement with the federal government to allow Washington to use the federal cache of equipment and supplies during an in-state emergency.
- Requires, if an agreement is reached, the state to pay the federal government for materials used during a state response.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 10 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Curtis, Assistant Ranking Minority Member; Appleton, Clibborn, Green, Lantz, Moeller and Schual-Berke.

Minority Report: Do not pass. Signed by 5 members: Representatives Hinkle, Ranking Minority Member; Alexander, Bailey, Condotta and Skinner.

Staff: Chris Blake (786-7392).

Background:

Disaster Medical Assistance Teams (DMATs) are groups of medical personnel and support staff who are able to provide medical care during a disaster or other events. Each DMAT has a sponsoring organization that may be a medical center, public health agency, or other public or private organization. The DMATs may be asked to respond to disasters in several ways such as triaging patients, providing medical care, or preparing patients for evacuation.

The sponsoring organization of a DMAT will enter into a memorandum of understanding with the Department of Homeland Security to serve as a national resource. The DMATs, however, may be used in the communities in which they are based. When members of a DMAT are activated by the federal government, they are considered federal employees and are protected by the Federal Tort Claims Act which will indemnify them in the event of a malpractice claim.

Summary of Bill:

The Governor may call a DMAT based in Washington into state service if a public health disaster occurs or is imminent. If a federal disaster occurs simultaneously, the federal government has the first right to call the DMAT into service. The state shall pay for the supplies and equipment associated with the call for state service from the Disaster Response Account.

Members of a DMAT who are called into state service are provided all of the protections of an employee of the state and are considered state employees for the purposes of workers' compensation and death benefits. Such protections only apply if the individual has registered with the Military Department and provides direct medical care or support services to victims during a disaster.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) Disaster Medical Assistance Teams (DMATs) train and practice and are ready to respond to emergencies and the Governor should be able to call upon them to respond in this state. The DMAT could be an asset to assist with a disaster situation in the state, but presently the Governor does not have the ability to call the DMAT into service. A DMAT can deploy extremely quickly while other resources are brought in to help.

(With Concerns) The existing resources under the federal response system already work well. The DMATs, Medical Reserve Corps and other volunteer groups are a great asset, but a comprehensive approach to liability that covers all responding groups is needed. This bill could take local health care providers away from their hospitals in state.

Testimony Against: None.

Persons Testifying: (In support) Representative Schual-Berke, prime sponsor; Bradley E. Waite, D.O. and Bill Engler, Washington-1 Disaster Medical Assistance Teams.

(With concerns) Jim Mullen, Washington Military Department; and John Erickson, Department of Health.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Linville, McDermott, Miloscia, Priest, Schual-Berke, P. Sullivan and Walsh.

Minority Report: Do not pass. Signed by 8 members: Representatives Alexander, Ranking Minority Member; Armstrong, Buri, Chandler, Hinkle, Kessler, Pearson and Talcott.

Staff: Elisabeth Donner (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care:

The Military Department is to pursue an agreement with the federal government to allow Washington to use the federal cache of equipment and supplies during an in-state emergency deployment of the Disaster Medical Assistance Teams (DMAT). The state will pay the federal government for the materials used during the state response. The bill provides immunity for members of a DMAT as well as others for acts or omissions that occur while the member was participating in an emergency or disaster. Any responsibility of the state to certify members of the DMAT is removed. The federal government is responsible for certification. The Military Department is directed to notify employers of the volunteers in the event of a call to state service. The program is moved from Chapter 38.08 RCW to Chapter 38.52 RCW.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.