
SUBSTITUTE HOUSE BILL 2539

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to disaster medical assistance teams; amending RCW
2 38.52.010 and 38.24.010; and adding new sections to chapter 38.52 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 38.52.010 and 2002 c 341 s 2 are each amended to read
5 as follows:

6 As used in this chapter:

7 (1) "Emergency management" or "comprehensive emergency management"
8 means the preparation for and the carrying out of all emergency
9 functions, other than functions for which the military forces are
10 primarily responsible, to mitigate, prepare for, respond to, and
11 recover from emergencies and disasters, and to aid victims suffering
12 from injury or damage, resulting from disasters caused by all hazards,
13 whether natural, technological, or human caused, and to provide support
14 for search and rescue operations for persons and property in distress.
15 However, "emergency management" or "comprehensive emergency management"
16 does not mean preparation for emergency evacuation or relocation of
17 residents in anticipation of nuclear attack.

18 (2) "Local organization for emergency services or management" means

1 an organization created in accordance with the provisions of this
2 chapter by state or local authority to perform local emergency
3 management functions.

4 (3) "Political subdivision" means any county, city or town.

5 (4) "Emergency worker" means any person, including but not limited
6 to an architect registered under chapter 18.08 RCW or a professional
7 engineer registered under chapter 18.43 RCW, who is registered with a
8 local emergency management organization or the department and holds an
9 identification card issued by the local emergency management director
10 or the department for the purpose of engaging in authorized emergency
11 management activities or is an employee of the state of Washington or
12 any political subdivision thereof who is called upon to perform
13 emergency management activities.

14 (5) "Injury" as used in this chapter shall mean and include
15 accidental injuries and/or occupational diseases arising out of
16 emergency management activities.

17 (6)(a) "Emergency or disaster" as used in all sections of this
18 chapter except RCW 38.52.430 shall mean an event or set of
19 circumstances which: (i) Demands immediate action to preserve public
20 health, protect life, protect public property, or to provide relief to
21 any stricken community overtaken by such occurrences, or (ii) reaches
22 such a dimension or degree of destructiveness as to warrant the
23 governor declaring a state of emergency pursuant to RCW 43.06.010.

24 (b) "Emergency" as used in RCW 38.52.430 means an incident that
25 requires a normal police, coroner, fire, rescue, emergency medical
26 services, or utility response as a result of a violation of one of the
27 statutes enumerated in RCW 38.52.430.

28 (7) "Search and rescue" means the acts of searching for, rescuing,
29 or recovering by means of ground, marine, or air activity any person
30 who becomes lost, injured, or is killed while outdoors or as a result
31 of a natural, technological, or human caused disaster, including
32 instances involving searches for downed aircraft when ground personnel
33 are used. Nothing in this section shall affect appropriate activity by
34 the department of transportation under chapter 47.68 RCW.

35 (8) "Executive head" and "executive heads" means the county
36 executive in those charter counties with an elective office of county
37 executive, however designated, and, in the case of other counties, the
38 county legislative authority. In the case of cities and towns, it

1 means the mayor in those cities and towns with mayor-council or
2 commission forms of government, where the mayor is directly elected,
3 and it means the city manager in those cities and towns with council
4 manager forms of government. Cities and towns may also designate an
5 executive head for the purposes of this chapter by ordinance.

6 (9) "Director" means the adjutant general.

7 (10) "Local director" means the director of a local organization of
8 emergency management or emergency services.

9 (11) "Department" means the state military department.

10 (12) "Emergency response" as used in RCW 38.52.430 means a public
11 agency's use of emergency services during an emergency or disaster as
12 defined in subsection (6)(b) of this section.

13 (13) "Expense of an emergency response" as used in RCW 38.52.430
14 means reasonable costs incurred by a public agency in reasonably making
15 an appropriate emergency response to the incident, but shall only
16 include those costs directly arising from the response to the
17 particular incident. Reasonable costs shall include the costs of
18 providing police, coroner, fire fighting, rescue, emergency medical
19 services, or utility response at the scene of the incident, as well as
20 the salaries of the personnel responding to the incident.

21 (14) "Public agency" means the state, and a city, county, municipal
22 corporation, district, town, or public authority located, in whole or
23 in part, within this state which provides or may provide fire fighting,
24 police, ambulance, medical, or other emergency services.

25 (15) "Incident command system" means: (a) An all-hazards, on-scene
26 functional management system that establishes common standards in
27 organization, terminology, and procedures; provides a means (unified
28 command) for the establishment of a common set of incident objectives
29 and strategies during multiagency/multijurisdiction operations while
30 maintaining individual agency/jurisdiction authority, responsibility,
31 and accountability; and is a component of the national interagency
32 incident management system; or (b) an equivalent and compatible all-
33 hazards, on-scene functional management system.

34 (16) "Radio communications service company" has the meaning
35 ascribed to it in RCW 82.14B.020.

36 (17) "Disaster medical assistance team" means any volunteer team
37 designed to provide medical care during an emergency or disaster or
38 other event that is formed as a response team under the guidance of the

1 national disaster medical system which consists of professional and
2 paraprofessional medical personnel and logistical and administration
3 personnel who have been certified by the federal government to serve on
4 such a team.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52 RCW
6 to read as follows:

7 (1) In the event of an emergency or disaster or if there is
8 reasonable cause to believe that an emergency or disaster is imminent,
9 the governor may call a Washington disaster medical assistance team
10 into state service.

11 (2) A member of a disaster medical assistance team called into
12 state service shall be afforded all the protections of this chapter,
13 including the right to workers' compensation and death benefits, if the
14 member provides direct medical care to a victim of an emergency or
15 disaster or provides other support services during an emergency or
16 disaster.

17 (3) The disaster medical assistance team shall provide the
18 department with the names of all members of the disaster medical
19 assistance team, as well as their assignments, contact information,
20 employer's name, employer's contact information, and any other
21 information that the department determines is necessary. The
22 information shall be provided to the department no later than two weeks
23 after a member joins the disaster medical assistance team. In the
24 event that the disaster medical assistance team is called into service
25 by the governor, the department shall promptly notify the employer of
26 each member of the team.

27 (4) The department may adopt any rules necessary to carry out the
28 provisions of this section.

29 (5) In the event of a federal disaster occurring concurrently with
30 a state disaster, the federal government shall have the first right to
31 call the disaster medical assistance team into service.

32 (6) The department shall pursue an agreement with the federal
33 government to allow the disaster medical assistance team to use the
34 equipment and supplies available for federal service to be used in
35 response to a call to service by the governor. If an agreement is
36 executed under this subsection and there is any use of the federal
37 equipment and supplies, the governor shall include a request for funds

1 necessary to reimburse the federal government in the next budget
2 submission to the legislature. In the event that reimbursement to the
3 federal government is necessary prior to the adoption of the next
4 budget, the governor may reimburse the federal government in the manner
5 described in RCW 38.24.010.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 38.52 RCW
7 to read as follows:

8 (1) No act or omission by a member of a disaster medical assistance
9 team while engaged in a covered activity shall impose any liability for
10 civil damages resulting from such an act or omission upon:

- 11 (a) The member of the disaster medical assistance team;
- 12 (b) The supervisor or supervisors of the member of the disaster
13 medical assistance team;
- 14 (c) Any health care facility or their officers or employees;
- 15 (d) The owner of the property or vehicle where the act or omission
16 may have occurred during the covered activity;
- 17 (e) The local disaster medical assistance team that the member of
18 the disaster medical assistance team is affiliated with; or
- 19 (f) The state or any state or local governmental entity.

20 (2) The immunity in subsection (1) of this section applies only
21 when the member of the disaster medical assistance team was engaged in
22 a covered activity:

- 23 (a) Without compensation or expectation of compensation;
- 24 (b) Within the scope of their assigned duties; and
- 25 (c) Under the direction of the local disaster medical assistance
26 team that the member of the disaster medical assistance team is
27 affiliated with.

28 (3) The immunity in subsection (1) of this section does not apply
29 to any act or omission that constitutes gross negligence or willful or
30 wanton misconduct.

31 (4) For purposes of this section, "covered activity" means
32 providing assistance or transportation during an emergency or disaster
33 whether such assistance or transportation is provided at the scene of
34 the emergency or disaster, an alternative care site, a hospital, or
35 while in route to or from such sites or between sites.

1 **Sec. 4.** RCW 38.24.010 and 2005 c 9 s 2 are each amended to read as
2 follows:

3 All bills, claims and demands for military purposes shall be
4 certified or verified and audited in the manner prescribed by
5 regulations promulgated by the governor and shall be paid by the state
6 treasurer from funds available for that purpose. In all cases where
7 the organized militia, or any part of the organized militia, or a
8 disaster medical assistance team as defined in RCW 38.52.010 is called
9 into the service of the state to perform duties under RCW 38.08.040,
10 except for anticipated planning, training, exercises, and other
11 administrative duties that are not of an emergent nature, or to respond
12 to an emergency or disaster as defined in RCW 38.52.010, warrants for
13 allowed pay and expenses for such services or compensation for injuries
14 or death or reimbursement for equipment and supplies shall be drawn
15 upon the general fund of the state treasury and paid out of any moneys
16 in said fund not otherwise appropriated. All such warrants shall be
17 the obligation of the state and shall bear interest at the legal rate
18 from the date of their presentation for payment.

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