

SHB 1850 - H AMD 660

By Representative Schual-Berke

ADOPTED 01/27/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130
4 RCW to read as follows:

5 (1) As used in this section, "emergency or disaster" has the same
6 meaning as in RCW 38.52.010.

7 (2) The secretary shall issue a retired volunteer medical worker
8 license to any applicant who:

9 (a) Has held an active license issued by a disciplining authority
10 under RCW 18.130.040 no more than ten years prior to applying for an
11 initial license under this section;

12 (b) Does not have any current restrictions on the ability to obtain
13 a license for violations of this chapter; and

14 (c) Submits proof of registration as a volunteer with a local
15 organization for emergency services or management as defined by chapter
16 38.52 RCW.

17 (3) License holders under this section must be supervised and may
18 practice only those duties that correspond to the scope of their
19 emergency worker assignment not to exceed their scope of practice prior
20 to retirement.

21 (4) The department shall adopt rules and policies to implement this
22 section.

23 (5) The department shall establish standards for the renewal of
24 licenses issued under this section, including continuing competency
25 requirements.

26 (6) License holders under this section are subject to the
27 provisions of this chapter as they may apply to the issuance and denial
28 of credentials, unauthorized practice, and discipline for acts of
29 unprofessional conduct.

1 (7) Nothing in this section precludes a health care professional
2 who holds an active license from providing medical services during an
3 emergency or disaster.

4 (8) The cost of regulatory activities for license holders under
5 this section must be borne in equal proportion by all health care
6 providers holding a license issued by a disciplining authority under
7 RCW 18.130.040.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
9 to read as follows:

10 (1) No act or omission by a covered volunteer while engaged in a
11 covered activity shall impose any liability for civil damages resulting
12 from such an act or omission upon:

- 13 (a) The covered volunteer;
- 14 (b) The supervisor or supervisors of the covered volunteer;
- 15 (c) Any health care facility or their officers or employees;
- 16 (d) The owner of the property or vehicle where the act or omission
17 may have occurred during the covered activity;
- 18 (e) Any local organization that registered the covered volunteer;
- 19 or
- 20 (f) The state or any state or local governmental entity.

21 (2) The immunity in subsection (1) of this section applies only
22 when the covered volunteer was engaged in a covered activity:

- 23 (a) Without compensation or expectation of compensation;
- 24 (b) Within the scope of their assigned duties;
- 25 (c) Under the direction of the local organization with which he or
26 she had been registered; and
- 27 (d) The act or omission does not constitute gross negligence or
28 willful or wanton misconduct.

29 (3) For purposes of this section:

30 (a) "Covered volunteer" means a person who is registered as an
31 emergency worker as defined in RCW 38.52.010 and who is also licensed
32 as a retired volunteer medical worker under section 1 of this act.

33 (b) "Covered activity" means:

34 (i) Providing assistance or transportation during an emergency or
35 disaster as defined in RCW 38.52.010, whether such assistance or
36 transportation is provided at the scene of the emergency or disaster,

1 an alternative care site, a hospital, or while in route to or from such
2 sites or between sites; or
3 (ii) Participating in an approved training or exercise in
4 preparation for an emergency or disaster.

5 **Sec. 3.** RCW 43.70.110 and 2005 c 268 s 2 are each amended to read
6 as follows:

7 (1) The secretary shall charge fees to the licensee for obtaining
8 a license. After June 30, 1995, municipal corporations providing
9 emergency medical care and transportation services pursuant to chapter
10 18.73 RCW shall be exempt from such fees, provided that such other
11 emergency services shall only be charged for their pro rata share of
12 the cost of licensure and inspection, if appropriate. The secretary
13 may waive the fees when, in the discretion of the secretary, the fees
14 would not be in the best interest of public health and safety, or when
15 the fees would be to the financial disadvantage of the state.

16 (2) Except as provided in RCW 18.79.202, until June 30, 2013, and
17 except for the cost of regulating retired volunteer medical workers in
18 accordance with section 1 of this act, fees charged shall be based on,
19 but shall not exceed, the cost to the department for the licensure of
20 the activity or class of activities and may include costs of necessary
21 inspection.

22 (3) Department of health advisory committees may review fees
23 established by the secretary for licenses and comment upon the
24 appropriateness of the level of such fees.

25 **Sec. 4.** RCW 43.70.250 and 2005 c 268 s 3 are each amended to read
26 as follows:

27 It shall be the policy of the state of Washington that the cost of
28 each professional, occupational, or business licensing program be fully
29 borne by the members of that profession, occupation, or business. The
30 secretary shall from time to time establish the amount of all
31 application fees, license fees, registration fees, examination fees,
32 permit fees, renewal fees, and any other fee associated with licensing
33 or regulation of professions, occupations, or businesses administered
34 by the department. In fixing said fees, the secretary shall set the
35 fees for each program at a sufficient level to defray the costs of
36 administering that program and the cost of regulating licensed

1 volunteer medical workers in accordance with section 1 of this act,
2 except as provided in RCW 18.79.202 until June 30, 2013. All such fees
3 shall be fixed by rule adopted by the secretary in accordance with the
4 provisions of the administrative procedure act, chapter 34.05 RCW."

EFFECT: Requires that an applicant for a retired volunteer medical worker license be registered with a local emergency management organization, but not a local public health jurisdiction.

Removes the requirement that local emergency management organizations and local public health jurisdictions defend and hold harmless retired volunteer medical workers. Adds immunity for supervisors, health care facilities, owners of property or vehicles, local organizations that register retired volunteer medical workers, and state and local government agencies for liability arising from the acts of retired volunteer medical workers who are registered as emergency workers.

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