

HOUSE BILL REPORT

ESHB 1850

As Amended by the Senate

Title: An act relating to retired volunteer medical workers.

Brief Description: Creating a retired volunteer medical worker license.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody).

Brief History:

Committee Activity:

Health Care: 2/18/05, 2/25/05 [DPS];
Appropriations: 3/3/05 [DPS(HC)].

Floor Activity:

Passed House: 3/15/05, 96-0.

Floor Activity:

Passed House: 1/27/06, 98-0.
Senate Amended.
Passed Senate: 2/27/06, 47-0.

Brief Summary of Engrossed Substitute Bill

- Establishes a retired volunteer medical worker license for individuals assisting during an emergency or disaster and provides immunity from civil liability.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Clibborn, Condotta, Green, Hinkle, Lantz, Moeller, Schual-Berke and Skinner.

Staff: Chris Blake (786-7392).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Sommers, Chair; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member;

Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, McDermott, Priest, Talcott and Walsh.

Staff: Amy Hanson (786-7118).

Background:

Retired health care providers may obtain a retired active credential if such a credential is authorized by the appropriate disciplining authority. Retired active status allows the license holder to practice for no more than 90 days per year or in emergency situations. License holders must maintain any continuing education obligations that may be required of the profession and they receive a reduced licensing fee.

The Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. In recent years, the Good Samaritan Act has been amended to include immunity provisions for health care providers who volunteer health care services in certain community health care settings. These immunity provisions do not apply to acts or omissions that constitute gross negligence.

In 1997 Congress passed the Volunteer Protection Act which provides immunity from liability for individuals providing volunteer services for government or nonprofit entities as long as the volunteer does not commit an act or omission that constitutes gross negligence. In 2001 Washington passed immunity protections to enact more specific standards than the Volunteer Protection Act. In Washington, volunteers for a nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

Summary of Engrossed Substitute Bill:

The Secretary of Health (Secretary) is authorized to issue a retired volunteer medical worker license to any person that:

- held an active health care provider license within 10 years prior to their initial application;
- does not have any restrictions to practice due to violations of the Uniform Disciplinary Act; and
- registers with a local emergency services or management organization affiliated with the Emergency Management Division of the Military Department.

Retired volunteer medical workers must be supervised and may only perform the duties that were associated with their practice prior to retirement. They are required to maintain continuing competency requirements established by the Secretary and they are subject to the Uniform Disciplinary Act. The cost of regulating volunteer medical workers is to be borne equally by license holders across all health professions.

An individual that holds a volunteer medical worker license and is registered as an emergency worker is considered a "covered volunteer." Covered volunteers, their supervisors, health care facilities, property and vehicle owners, local organizations that register covered volunteers,

and state and local government entities are immune from liability for the acts or omissions of a covered volunteer while providing assistance or transportation during a disaster or participating in an approved training or exercise in preparation for an emergency or disaster. The immunity applies when the covered volunteer was acting without compensation, within the scope of their assigned duties, and under the direction of the local organization with which they had been registered. The immunity does not apply to acts of gross negligence or willful misconduct.

EFFECT OF SENATE AMENDMENT(S):

The immunity provisions for retired volunteer medical workers are moved from are moved from chapter 4.24 RCW relating to special immunities to chapter 38.52 RCW relating to emergency management.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Health Care) The *9/11 Report* noted that a pool of retired, skilled health care professionals would be a great resource if organized and trained to respond to major disasters. There is no license tailored to allow such practitioners to respond in emergencies.

Testimony For: (Appropriations) This bill allows a valuable resource to be added to our arsenal in the event of a natural disaster. These people are an unused resource in our community. They are trained and want to help but need a structure in which to do so.

Testimony Against: (Health Care) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Health Care) Dr. George W. Schneider, Gerry Bozarth, and Dr. Robert L. Cross, Medical Reserve Corps of Eastern Washington.

Persons Testifying: (Appropriations) Representative Schual-Berke, prime sponsor.

Persons Signed In To Testify But Not Testifying: (Health Care) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.