

Chapter 70.410 RCW
EMERGENCY MEDICAL RESERVE CORPS

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RCW 70.410.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of health.
- (2) "Emergency declaration" means a proclamation of a state of emergency issued by the governor under RCW 43.06.010.
- (3) "Entity" means a person other than an individual.
- (4) "Health practitioner" means an individual licensed under the laws of this state to provide health or veterinary services.
- (5) "Health practitioner member" means a member who is a health practitioner.
- (6) "Health services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of individuals or human populations.
- (7) "License" means authorization by a state to engage in services that are unlawful without the authorization.
- (8) "Member" means a person who has registered with the state emergency medical reserve corps.
- (9) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.
- (10) "Scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in this state, including any conditions imposed by the licensing authority.
- (11) "Secretary" means the secretary of the department of health.
- (12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (13) "State emergency medical reserve corps" means the group of members registered with the department and established by this chapter from which the secretary may deploy through an order.
- (14) "Support member" means a member who does not hold a health practitioner license or who holds a health practitioner license but

does not practice that profession during their service in the state emergency medical reserve corps.

(15) "Support services" means services provided by a member in support of the state emergency medical reserve corps, but does not include health services.

(16) "Veterinary services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of an animal or to animal populations, to the extent necessary to respond to an emergency, including:

(a) Diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;

(b) Use of a procedure for reproductive management; and

(c) Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans.

[2023 c 210 § 2.]

Findings—2023 c 210: "To protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary to authorize the creation of a state emergency medical reserve corps to serve at the direction and control of the secretary in times of declared emergency and in times where no declared emergency exists but the protection of public health requires the state mobilization of resources to protect the health of the public, and to provide a means of compensating state emergency medical reserve corps members who may suffer any injury, as defined in this chapter, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in state emergency medical reserve corps activities."
[2023 c 210 § 1.]

Short title—2023 c 210: "This act may be know and cited as the state emergency medical reserve corps act." [2023 c 210 § 13.]

Effective date—2023 c 210: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 1, 2023]." [2023 c 210 § 14.]

RCW 70.410.020 Emergency medical reserve corps—Establishment—Contracting. (1) There is hereby established within the department a state emergency medical reserve corps, which shall serve at the direction and control of the secretary. The secretary may deploy the state emergency medical reserve corps by order as allowed for by this chapter.

(2) The secretary may:

(a) Enter into contracts and enter into and distribute grants on behalf of the department to carry out the purposes of this chapter; and

(b) Promulgate rules to implement this chapter. [2023 c 210 § 3.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.030 Application. (1) This chapter applies to members registered with the department who provide health, veterinary, or support services while deployed with the state emergency medical reserve corps pursuant to an order of the secretary.

(2) The provisions of this chapter are in addition to and do not affect any program established by Title 38 RCW or chapter 70.15 RCW. [2023 c 210 § 4.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.040 Registration. (1) A person must apply to the department to register with the state emergency medical reserve corps.

(2) To qualify to register as a health practitioner member under this chapter, a person must pass a background check and be licensed and in good standing in this state.

(3) To qualify to register as a support member under this chapter, a person must pass a background check. If the person holds a professional license in this state other than a health practitioner license, that license must be in good standing.

(4) The department may by rule establish additional required qualifications for registration as a member. [2023 c 210 § 5.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.050 Orders for deployment. (1) The secretary may order the deployment of the state emergency medical reserve corps under any of the following circumstances:

(a) When the secretary determines that there exists a threat to the public health including, but not limited to, outbreaks of diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health;

(b) While an emergency declaration is in effect; or

(c) For training or exercises, or both.

(2) An order of the secretary deploying the state emergency medical reserve corps shall, at a minimum, include:

(a) The duration of the deployment, which the secretary may extend;

(b) The geographical areas in which members may provide services;

(c) Which members may participate in the deployment;

(d) Whether the members will receive compensation for their participation in the deployment and the amount of such compensation; and

(e) The services the members may provide.

(3) The secretary may include in the order any other matters necessary to effectively coordinate the provision of services or the training or exercises during the deployment.

(4) An order issued pursuant to subsection (1) or (2) of this section may take effect immediately, without prior notice or comment,

and is not a rule within the meaning of the administrative procedure act, chapter 34.05 RCW.

(5) The secretary shall coordinate the deployment of the state emergency medical reserve corps with local health jurisdictions to ensure that local medical reserve corps members are not deployed away from local crises or emergencies that are happening concurrently to a state-declared emergency or threat. [2023 c 210 § 6.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.060 Costs incurred—Cost sharing—Federal funding.

(1) For any deployment of the state emergency medical corps under chapter 210, Laws of 2023, the department must track and account for any costs incurred as a direct result of the deployment, including but not limited to any compensation of members and any costs associated with the logistics of a deployment. Costs incurred as a direct result of a deployment must be borne in accordance with subsections (2) through (4) of this section.

(2) For any deployment under RCW 70.410.050(1) (a) or (b) where the deployment has not been requested by a health care entity, the department may enter into a cost-sharing or billing agreement with a health care entity that is receiving services from the deployment. In the absence of a cost-sharing or billing agreement, the department must absorb the costs of the deployment.

(3) For any deployment under RCW 70.410.050(1) (a) or (b) where the deployment has been requested by a health care entity, the department must charge the requesting health care entity.

(4) For any deployment under RCW 70.410.050(1) (c), or where payment is not charged or not received from the requesting health care entity under subsection (2) or (3) of this section, the department must absorb the costs of the deployment.

(5) The department may seek federal or private funding to support the costs of deployments of the state emergency medical corps under chapter 210, Laws of 2023. [2023 c 210 § 7.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.070 Health practitioner members—Scope of practice.

A health practitioner member when serving with the state emergency medical reserve corps shall adhere to the scope of practice for the health practitioner's profession established by applicable law and subject to any restrictions imposed by the secretary. [2023 c 210 § 8.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.080 Health practitioner members—Disciplinary actions. Health practitioners are subject to disciplinary action pursuant to the uniform disciplinary act, chapter 18.130 RCW, for conduct committed while deployed with the state emergency medical

reserve corps, but disciplining authorities shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner's scope of practice, education, training, experience, and specialized skill. [2023 c 210 § 9.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.090 Membership—Limitation of rights—Incorporation—Employment. (1) This chapter does not limit rights, privileges, or immunities provided to health practitioner members by laws other than this chapter.

(2) The department may, as allowed by law or government-to-government agreement, incorporate into the forces of emergency management personnel of this state emergency medical reserve corps members who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state for the purpose of deployment to other jurisdictions.

(3) Except as otherwise provided in this chapter, members shall not be deemed or treated as employees of the state for the purpose of the state civil service rules or for any other purpose solely by virtue of their status as a member of the state emergency medical reserve corps. [2023 c 210 § 10.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.100 Workers' compensation—Rules. (1) A member who dies or is injured as the result of providing services pursuant to this chapter is deemed to be an employee of this state for the purpose of receiving benefits for the death or injury under the workers' compensation law of this state, Title 51 RCW, if:

(a) The member is not otherwise eligible for such benefits for the injury or death under the law of this or another state; and

(b) The practitioner, or in the case of death the practitioner's personal representative, elects coverage under the workers' compensation law of this state, Title 51 RCW, by making a claim under that law.

(2) The department in consultation with the department of labor and industries may adopt rules, enter into agreements with other states, or take other measures to facilitate the receipt of benefits for injury or death under the workers' compensation law of this state, Title 51 RCW, by members who reside in other states, and may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the practitioners.

(3) For the purposes of this section, "injury" means a physical or mental injury or disease for which an employee of this state who is injured or contracts the disease in the course of the employee's employment would be entitled to benefits under the workers' compensation law of this state, Title 51 RCW. [2023 c 210 § 11.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.

RCW 70.410.110 Liability. No act or omission, except those acts or omissions constituting gross negligence or willful or wanton misconduct, by a member providing services reasonably within the provisions of this chapter and an order of the secretary issued pursuant to this chapter shall impose any liability for civil damages resulting from such an act or omission upon:

- (1) The member;
- (2) The supervisor or supervisors of the member;
- (3) Any facility or their officers or employees;
- (4) The employer of the member;
- (5) The owner of the property or vehicle where the act or omission may have occurred;
- (6) The state or any state or local governmental entity; or
- (7) Any professional or trade association of the member. [2023 c 210 § 12.]

Findings—Short title—Effective date—2023 c 210: See notes following RCW 70.410.010.