

HOUSE BILL REPORT

HB 1850

As Reported by House Committee On:
Health Care

Title: An act relating to retired volunteer medical workers.

Brief Description: Creating a retired volunteer medical worker license.

Sponsors: Representatives Schual-Berke and Cody.

Brief History:

Committee Activity:

Health Care: 2/18/05, 2/25/05 [DPS].

Brief Summary of 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).

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 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 public health jurisdiction or local organization affiliated with the Emergency Management Division of the Military Department to assist in the event of an emergency or disaster.

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 is immune from civil liability when providing assistance without compensation during an emergency or disaster or participating in an approved training or exercise in preparation for an emergency or disaster. The agency that the license holder is registered with is responsible for any costs to defend the license holder in a legal action.

Substitute Bill Compared to Original Bill:

The substitute bill removes reference to the local community organization providing medical services during an emergency or disaster as a registering agency and replaces it with a local organization for emergency services or management under the Emergency Management Division of the Military Department. The substitute bill also requires that the local registering agency provide for the defense of a licensed retired volunteer medical worker in a legal action.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: 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 Against: None.

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

Persons Signed In To Testify But Not Testifying: None.