

# SENATE BILL REPORT

## ESHB 1850

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 20, 2006

**Title:** An act relating to retired volunteer medical workers.

**Brief Description:** Creating a retired volunteer medical worker license.

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

**Brief History:** Passed House: 1/27/06, 98-0.

**Committee Activity:** Health & Long-Term Care: 2/15/06, 2/20/06 [DPA].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Brandland, Franklin, Johnson, Kastama, Kline and Parlette.

**Staff:** Edith Rice (786-7444)

**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 in emergency or intermittent circumstances. 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 Amended 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.

**Amended Bill Compared to Original Bill:** Section 2 of the bill is removed from the RCW chapter on special immunities and placed in the chapter under emergency management instead.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** We will have to depend on local resources to respond in the case of a major disaster. Retired health care workers are a resource we can utilize; they will be here when we need them. We need this bill for the liability issues it addresses. Citizen volunteers and organizations who use them, need immunity from liability. We suggest a technical fix to place the liability language in the correct chapter of the law.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Shay Schual-Berke, prime sponsor; George Rice, M. D., Medical Reserve Corps of Eastern Washington; Kathleen Estes, Washington Emergency Management Association; Robert L. Cross, M.D., Medical Reserve Corps of Eastern Washington; Michael Temple, Washington State Trial Lawyers Association; Nancy Bickford, Washington Military Department.