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HOUSE BILL 2994

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Nixon and Schual-Berke

Read first time 01/17/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to volunteer medical workers; amending RCW  
2 43.70.110 and 43.70.250; adding a new section to chapter 18.130 RCW;  
3 and adding a new section to chapter 4.24 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.130 RCW  
6 to read as follows:

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

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

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

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

16            (c) Submits proof of registration as a volunteer with a local  
17 organization for emergency services or management as defined by chapter  
18 38.52 RCW.

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

5 (4) The department shall adopt rules and policies to implement this  
6 section.

7 (5) The department shall establish standards for the renewal of  
8 licenses issued under this section, including continuing competency  
9 requirements.

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

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

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

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

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

- 26 (a) The covered volunteer;  
27 (b) The supervisor or supervisors of the covered volunteer;  
28 (c) Any health care facility or their officers or employees;  
29 (d) The owner of the property or vehicle where the act or omission  
30 may have occurred during the covered activity;

31 (e) Any local organization that registered the covered volunteer;  
32 or

33 (f) The state or any state or local governmental entity.

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

- 36 (a) Without compensation or expectation of compensation;  
37 (b) Within the scope of their assigned duties;

1 (c) Under the direction of the local organization with which he or  
2 she had been registered; and

3 (d) The act or omission does not constitute gross negligence or  
4 willful or wanton misconduct.

5 (3) For purposes of this section:

6 (a) "Covered volunteer" means a person who is registered as an  
7 emergency worker as defined in RCW 38.52.010 and who is also:

8 (i) Licensed as a retired volunteer medical worker under section 1  
9 of this act; or

10 (ii) Licensed as a health care provider by a disciplining authority  
11 identified in RCW 18.130.040.

12 (b) "Covered activity" means:

13 (i) Providing assistance or transportation during an emergency or  
14 disaster as defined in RCW 38.52.010, whether such assistance or  
15 transportation is provided at the scene of the emergency or disaster,  
16 an alternative care site, a hospital, or while in route to or from such  
17 sites or between sites; or

18 (ii) Participating in an approved training or exercise in  
19 preparation for an emergency or disaster.

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

22 (1) The secretary shall charge fees to the licensee for obtaining  
23 a license. After June 30, 1995, municipal corporations providing  
24 emergency medical care and transportation services pursuant to chapter  
25 18.73 RCW shall be exempt from such fees, provided that such other  
26 emergency services shall only be charged for their pro rata share of  
27 the cost of licensure and inspection, if appropriate. The secretary  
28 may waive the fees when, in the discretion of the secretary, the fees  
29 would not be in the best interest of public health and safety, or when  
30 the fees would be to the financial disadvantage of the state.

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

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

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

6 It shall be the policy of the state of Washington that the cost of  
7 each professional, occupational, or business licensing program be fully  
8 borne by the members of that profession, occupation, or business. The  
9 secretary shall from time to time establish the amount of all  
10 application fees, license fees, registration fees, examination fees,  
11 permit fees, renewal fees, and any other fee associated with licensing  
12 or regulation of professions, occupations, or businesses administered  
13 by the department. In fixing said fees, the secretary shall set the  
14 fees for each program at a sufficient level to defray the costs of  
15 administering that program and the cost of regulating licensed  
16 volunteer medical workers in accordance with section 1 of this act,  
17 except as provided in RCW 18.79.202 until June 30, 2013. All such fees  
18 shall be fixed by rule adopted by the secretary in accordance with the  
19 provisions of the administrative procedure act, chapter 34.05 RCW.

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