
Health Care & Wellness Committee

HB 1452

Brief Description: Establishing a state medical reserve corps.

Sponsors: Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Establishes the State Medical Reserve Corps within the Department of Health.
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Hearing Date: 1/24/23

Staff: Kim Weidenaar (786-7120).

Background:

Local Medical Reserve Corps.

The Medical Reserve Corps (MRC) is a national network of volunteers, organized locally to supplement existing emergency and public health resources. The MRC units organize and utilize local volunteers to prepare for and respond to emergencies and to support ongoing preparedness initiatives. The MRC volunteers include medical and public health professionals as well as other community members without healthcare backgrounds who want to improve the health and safety of their communities. Washington currently has 21 MRC units.

Uniform Emergency Volunteer Health Practitioners Act.

In 2006 the Uniform Law Commission proposed the Uniform Emergency Volunteer Health Practitioners Act (UEVHPA) to provide a process for out-of-state medical professionals, not covered by agreements such as the Emergency Management Assistance Compact, to provide services during a declared emergency. Seventeen states, the District of Columbia, and the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

United States Virgin Islands have enacted a version of the UEVHPA.

Emergency Management Act.

The state's Emergency Management Act (EMA) establishes a comprehensive program of emergency management in the state, which is administered by the Military Department (Department). As part of the emergency management program, each county, city, and town must establish a local organization or join a joint local organization for emergency management. The EMA grants immunity from liability for the acts of covered volunteer emergency workers while engaged in a covered activity. The immunity applies only when the covered volunteer emergency worker was engaged in an activity within his or her assigned duties and under the direction of a local emergency management organization or the Department, and only if the covered volunteer emergency worker's act or omission does not constitute gross negligence or willful or wanton misconduct.

Summary of Bill:

The State Medical Reserve Corps (State MRC) is established within the Department of Health (DOH). The Secretary of Health (Secretary) may deploy the State MRC under the following circumstances:

- when the Secretary determines there is a threat to the public health including, outbreaks of diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health;
- while an emergency declaration is in effect; or
- for training and exercises.

An order of the Secretary deploying the State MRC must include:

- the duration of the deployment, which the Secretary may extend;
- the geographical areas covered;
- which members may participate in the deployment;
- whether the members will receive compensation for their participation and the amount of the compensation; and
- the services the members may provide.

Orders issued other than orders for training or exercises may take effect immediately and without any prior notice or comment. The Secretary must coordinate the deployment of the State MRC with local health jurisdictions to ensure that local MRC members are not deployed away from local crises or emergencies.

To register with the State MRC, a person must apply to the DOH and to qualify:

- health practitioner members must pass a background check and be licensed in good standing in Washington; and
- support members must pass a background check and if the person holds a professional license other than a health practitioner license, that license must be in good standing.

The DOH may establish additional qualifications for members by rule. A health practitioner member, defined as an individual licensed in Washington to provide health or veterinary services, serving with the State MRC must adhere to the scope of practice for the health practitioner's profession. Health practitioners are subject to disciplinary action under the Uniform Disciplinary Act for conduct committed while deployed with the State MRC, but disciplining authorities must consider the circumstances in which the conduct took place, the practitioner's scope of practice, education, training, experience, and specialized skill.

No act or omission, except for those constituting gross negligence or willful or wanton misconduct, by a member providing services pursuant to an order authorizing the State MRC, shall impose any liability for civil damages resulting from an act or omission upon:

- the member;
- the supervisor or supervisors of the member;
- any facility or their officers or employees;
- the employer of the member;
- the owner of the property or vehicle where the act or omission may have occurred;
- the state or any state or local governmental entity; or
- any professional or trade association of the member.

The DOH may as authorized by law or agreement, incorporate into the forces of emergency management personnel, State MRC members who are not officers or employees.

Members shall not be deemed or treated as employees of Washington 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 MRC. A member who dies or is injured as a result of providing services through the State MRC, is deemed to be an employee for purposes of receiving benefits for the death or injury under workers compensation if:

- the member is not otherwise eligible for such benefits for the injury or death; and
- the practitioner, or in the case of death the practitioner's personal representative, elects coverage under the workers' compensation by making a claim.

The DOH 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 by members who reside in other states, and may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the practitioners.

The Secretary is authorized to enter into contracts and distribute grants on the behalf of the DOH to carry out the purposes of the State MRC and may promulgate rules to implement the chapter created. The provisions of the new chapter do not affect any program established by Title 38, Militia and Military Affairs, or the Uniform Emergency Volunteer Health Practitioners Act. A new chapter in title 70 RCW is created and the act may be known and cited as the State Medical Reserve Corps Act.

Appropriation: None.

Fiscal Note: Requested on January 21, 2023.

Effective Date: The bill contains an emergency clause and takes effect immediately.