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**SECOND SUBSTITUTE HOUSE BILL 1452**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman, and Leavitt)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to establishing a state medical reserve corps;  
2 adding a new chapter to Title 70 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** To protect the public peace, health, and  
5 safety, and to preserve the lives and property of the people of the  
6 state, it is hereby found and declared to be necessary to authorize  
7 the creation of a state emergency medical reserve corps to serve at  
8 the direction and control of the secretary in times of declared  
9 emergency and in times where no declared emergency exists but the  
10 protection of public health requires the state mobilization of  
11 resources to protect the health of the public, and to provide a means  
12 of compensating state emergency medical reserve corps members who may  
13 suffer any injury, as defined in this chapter, or death; who suffer  
14 economic harm including personal property damage or loss; or who  
15 incur expenses for transportation, telephone or other methods of  
16 communication, and the use of personal supplies as a result of  
17 participation in state emergency medical reserve corps activities.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply  
19 throughout this chapter unless the context clearly requires  
20 otherwise.

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

1 health or death of an animal or to animal populations, to the extent  
2 necessary to respond to an emergency, including:

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

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

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

10 NEW SECTION. **Sec. 3.** (1) There is hereby established within the  
11 department a state emergency medical reserve corps, which shall serve  
12 at the direction and control of the secretary. The secretary may  
13 deploy the state emergency medical reserve corps by order as allowed  
14 for by this chapter.

15 (2) The secretary may:

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

19 (b) Promulgate rules to implement this chapter.

20 NEW SECTION. **Sec. 4.** (1) This chapter applies to members  
21 registered with the department who provide health, veterinary, or  
22 support services while deployed with the state emergency medical  
23 reserve corps pursuant to an order of the secretary.

24 (2) The provisions of this chapter are in addition to and do not  
25 affect any program established by Title 38 RCW or chapter 70.15 RCW.

26 NEW SECTION. **Sec. 5.** (1) A person must apply to the department  
27 to register with the state emergency medical reserve corps.

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

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

35 (4) The department may by rule establish additional required  
36 qualifications for registration as a member.

1        NEW SECTION.    **Sec. 6.**    (1) The secretary may order the deployment  
2 of the state emergency medical reserve corps under any of the  
3 following circumstances:

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

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

9        (c) For training or exercises, or both.

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

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

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

15       (c) Which members may participate in the deployment;

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

19       (e) The services the members may provide.

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

23       (4) An order issued pursuant to subsection (1) or (2) of this  
24 section may take effect immediately, without prior notice or comment,  
25 and is not a rule within the meaning of the administrative procedure  
26 act, chapter 34.05 RCW.

27       (5) The secretary shall coordinate the deployment of the state  
28 emergency medical reserve corps with local health jurisdictions to  
29 ensure that local medical reserve corps members are not deployed away  
30 from local crises or emergencies that are happening concurrently to a  
31 state-declared emergency or threat.

32       NEW SECTION.    **Sec. 7.**    (1) For any deployment of the state  
33 emergency medical corps under this act, the department must track and  
34 account for any costs incurred as a direct result of the deployment,  
35 including but not limited to any compensation of members and any  
36 costs associated with the logistics of a deployment. Costs incurred  
37 as a direct result of a deployment must be borne in accordance with  
38 subsections (2) through (4) of this section.

1 (2) For any deployment under sections 6(1)(a) or 6(1)(b) of this  
2 act where the deployment has not been requested by a health care  
3 entity, the department may enter into a cost-sharing or billing  
4 agreement with a health care entity that is receiving services from  
5 the deployment. In the absence of a cost-sharing or billing  
6 agreement, the department must absorb the costs of the deployment.

7 (3) For any deployment under sections 6(1)(a) or 6(1)(b) of this  
8 act where the deployment has been requested by a health care entity,  
9 the department must charge the requesting health care entity.

10 (4) For any deployment under section 6(1)(c) of this act, or  
11 where payment is not charged or not received from the requesting  
12 health care entity under subsections (2) or (3) of this section, the  
13 department must absorb the costs of the deployment.

14 (5) The department may seek federal or private funding to support  
15 the costs of deployments of the state emergency medical corps under  
16 this act.

17 NEW SECTION. **Sec. 8.** A health practitioner member when serving  
18 with the state emergency medical reserve corps shall adhere to the  
19 scope of practice for the health practitioner's profession  
20 established by applicable law and subject to any restrictions imposed  
21 by the secretary.

22 NEW SECTION. **Sec. 9.** Health practitioners are subject to  
23 disciplinary action pursuant to the uniform disciplinary act, chapter  
24 18.130 RCW, for conduct committed while deployed with the state  
25 emergency medical reserve corps, but disciplining authorities shall  
26 consider the circumstances in which the conduct took place, including  
27 any exigent circumstances, and the practitioner's scope of practice,  
28 education, training, experience, and specialized skill.

29 NEW SECTION. **Sec. 10.** (1) This chapter does not limit rights,  
30 privileges, or immunities provided to health practitioner members by  
31 laws other than this chapter.

32 (2) The department may, as allowed by law or government-to-  
33 government agreement, incorporate into the forces of emergency  
34 management personnel of this state emergency medical reserve corps  
35 members who are not officers or employees of this state, a political  
36 subdivision of this state, or a municipality or other local

1 government within this state for the purpose of deployment to other  
2 jurisdictions.

3 (3) Except as otherwise provided in this chapter, members shall  
4 not be deemed or treated as employees of the state for the purpose of  
5 the state civil service rules or for any other purpose solely by  
6 virtue of their status as a member of the state emergency medical  
7 reserve corps.

8 NEW SECTION. **Sec. 11.** (1) A member who dies or is injured as  
9 the result of providing services pursuant to this chapter is deemed  
10 to be an employee of this state for the purpose of receiving benefits  
11 for the death or injury under the workers' compensation law of this  
12 state, Title 51 RCW, if:

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

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

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

26 (3) For the purposes of this section, "injury" means a physical  
27 or mental injury or disease for which an employee of this state who  
28 is injured or contracts the disease in the course of the employee's  
29 employment would be entitled to benefits under the workers'  
30 compensation law of this state, Title 51 RCW.

31 NEW SECTION. **Sec. 12.** No act or omission, except those acts or  
32 omissions constituting gross negligence or willful or wanton  
33 misconduct, by a member providing services reasonably within the  
34 provisions of this chapter and an order of the secretary issued  
35 pursuant to this chapter shall impose any liability for civil damages  
36 resulting from such an act or omission upon:

37 (1) The member;

38 (2) The supervisor or supervisors of the member;

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

7 NEW SECTION. **Sec. 13.** This act may be known and cited as the  
8 state emergency medical reserve corps act.

9 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of  
11 the state government and its existing public institutions, and takes  
12 effect immediately.

13 NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act  
14 constitute a new chapter in Title 70 RCW.

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