

FOR APPROVAL

**AMENDMENTS TO UNIFORM EMERGENCY  
VOLUNTEER HEALTH PRACTITIONERS ACT**

**(RESERVED SECTIONS 11 AND 12)**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-SIXTEENTH YEAR  
PASADENA, CALIFORNIA  
JULY 27 - AUGUST 3, 2007

**AMENDMENTS TO UNIFORM EMERGENCY  
VOLUNTEER HEALTH PRACTITIONERS ACT**

**(RESERVED SECTIONS 11 AND 12)**

# **UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT**

## **SECTION 11. LIMITATIONS ON CIVIL LIABILITY FOR VOLUNTEER HEALTH PRACTITIONERS[; VICARIOUS LIABILITY].**

### **Alternative A**

(a) Subject to subsection (c), a volunteer health practitioner who provides health or veterinary services pursuant to this [act] is not liable for damages for an act or omission of the practitioner in providing those services.

(b) No person is vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under subsection (a).

(c) This section does not limit the liability of a volunteer health practitioner for:

- (1) willful misconduct or wanton, grossly negligent, reckless, or criminal conduct;
- (2) an intentional tort;
- (3) breach of contract;
- (4) a claim asserted by a host entity or by an entity located in this or another state which employs or uses the services of the practitioner; or
- (5) an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

(d) A person that, pursuant to this [act], operates, uses, or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.

[(e) In addition to the protections provided in subsection (a), a volunteer health practitioner providing health or veterinary services pursuant to this [act] is entitled to all the rights, privileges, or immunities provided by [cite state act].]

### **Alternative B**

(a) Subject to subsection (b), a volunteer health practitioner who does not receive compensation that exceeds [\$500] per year for providing health or veterinary services pursuant to this [act] is not liable for damages for an act or omission of the practitioner in providing those

services. Reimbursement of, or allowance for, reasonable expenses, or continuation of salary while on leave, is not compensation under this subsection.

(b) This section does not limit the liability of a volunteer health practitioner for:

- (1) willful misconduct or wanton, grossly negligent, reckless, or criminal conduct;
- (2) an intentional tort;
- (3) breach of contract;
- (4) a claim asserted by a host entity or by an entity located in this or another state which employs or uses the services of the practitioner; or
- (5) an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

(c) A person that, pursuant to this [act], operates, uses, or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.

[(d) In addition to the protections provided in subsection (a), a volunteer health practitioner providing health or veterinary services pursuant to this [act] is entitled to all the rights, privileges, or immunities provided by [cite state act].]

## **SECTION 12. WORKERS' COMPENSATION COVERAGE.**

(a) In this section, "injury" means a physical or mental injury or disease for which an employee of this state who is injured or contracts the disease in the course of the employee's employment would be entitled to benefits under the workers' compensation [or occupational disease] law of this state.

(b) A volunteer health practitioner who provides health or veterinary services pursuant to this [act] and who is not otherwise eligible for benefits for injury or death under the workers' compensation [or occupational disease] law of this or another state may elect to be deemed an employee of this state for the purpose of receiving such benefits by making a claim in accordance with the workers' compensation [or occupational disease] law of this state.

(c) The [name of appropriate governmental agency] shall 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 [or occupational disease] law of this state by volunteer health practitioners who reside in other states, and may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the practitioners. To promote uniformity of application of this [act] with other states that enact similar legislation, the [name of appropriate governmental agency] shall consult with and consider the approaches to filing, processing and paying claims taken by agencies with similar authority in other states.

***Legislative Note:*** *The bracketed term "occupational disease" should not be used in states that do not have specific occupational disease laws.*