



## New Act Removes Roadblocks to Interstate Recognition of Volunteer Health Workers During Emergencies

Uniform interstate act to grant volunteer health workers quick interstate recognition and protection and ensure surge capacity during emergencies

### SUMMARY

Between July 2006 and October 2007, the [National Conference of Commissioners on Uniform State Laws](#) drafted and disseminated a recommended state statute called the [Uniform Emergency Volunteer Health Practitioners Act](#) that states can adopt—with modifications if they wish—to license qualified volunteer health practitioners so they can provide services during a declared emergency, if they are deployed in coordination with agencies responsible for managing the emergency.

To facilitate the deployment and use of volunteers, the act protects them from exposure to liability for negligence and extends compensation coverage to them when other workers' compensation benefits are otherwise not available.

### Key Results

- If enacted, the model Uniform Emergency Volunteer Health Practitioners Act will remove roadblocks to interstate recognition of volunteer health practitioners during emergencies.
- Because the act is triggered automatically by an emergency declaration, it will provide states with medical "surge capacity" at the onset of an emergency.
- The National Conference of Commissioners on Uniform State Laws developed a website to provide up-to-date information on the model act and a [tracking system](#) to monitor state activity.

### Funding

The Robert Wood Johnson Foundation (RWJF) supported this *unsolicited* project with a grant of \$100,195 from July 2006 through October 2007.

## THE PROBLEM

Hurricanes Katrina and Rita, which struck the southern United States in 2005, highlighted the need to ensure that medical "surge capacity" was available where necessary. Although medical professionals employed by the U.S. Public Health Services, the Armed Forces and state and local governments provided much-needed services, the magnitude of the disaster swamped their ability to handle relief operations effectively.

Thousands of private sector medical professionals immediately volunteered, but state-based emergency response systems lacked a uniform process and legal framework to recognize out-of-state professional licenses. In some jurisdictions, deployment of volunteer health personnel was inhibited because the volunteers were not adequately protected against liability claims or their own risks of injury.

## THE PROJECT

Between July 2006 and October 2007, the National Conference of Commissioners on Uniform State Laws drafted and disseminated a state model act concerning the practice of volunteer health care personnel during emergencies. The commissioners conducted extensive legal research and consulted with a wide range of public officials and representatives of volunteer organizations active in disasters, health provider organizations and bar groups before completing their work.

The National Conference of Commissioners on Uniform State Laws is a Chicago-based nonpartisan organization that works to bring clarity, stability and uniformity to critical areas of state law.

The [American Bar Association](#) endorsed the model act in August 2006.

## RESULTS

The National Conference of Commissioners on Uniform State Laws:

- **Drafted the [Uniform Emergency Volunteer Health Practitioners Act](#), with section-by-section commentary, as a model for state legislatures.** The act was designed to remove roadblocks to interstate recognition of volunteer health care professionals during emergencies. The act allows states to license qualified volunteer health practitioners if they are deployed in coordination with agencies responsible for managing the emergency. It can also help provide medical "surge capacity" when needed. States can modify the act if they wish.

To facilitate the deployment and use of volunteers, the act protects them from exposure to liability for negligence and extends compensation coverage to them when other workers' compensation benefits are otherwise not available.

- **Developed a website that includes the model act and up-to-date information on testimony and legislative activities.** The site includes a tracking system to identify the states that have introduced or enacted the model act.
- **Distributed the text of the draft act to all state legislatures.**

## **AFTERWARD**

As of May 2008, six states (Colorado, Indiana, Kentucky, New Mexico Tennessee and Utah) have enacted the uniform act; Minnesota has enacted portions of the act; and eight other state legislatures were considering it.

The National Conference of Commissioners on Uniform State Laws continues to maintain the website about the model act, and tracks relevant media coverage, testimony and state activities. Conference representatives have formed an Enactment Committee to provide expert testimony before state legislatures and to assist others, such as representatives of medical associations, as they prepare to testify.

The National Conference of Commissioners on Uniform State Laws is a member of the Emergency Volunteer Action Network, formed after the grant period to support initiatives designed to improve emergency preparedness by protecting volunteers from liability.

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*Uniform Emergency Volunteer Health Practitioners Act*. Chicago: National Conference of Commissioners on Uniform State Laws, 2007.

### Grantee Websites

[www.uniformlaws.org/Act.aspx?title=Emergency%20Volunteer%20Health%20Practitioners](http://www.uniformlaws.org/Act.aspx?title=Emergency%20Volunteer%20Health%20Practitioners). The website includes the model legislation, up-to-date information on testimony and legislative activities and a tracking system to identify the states that have introduced or enacted the model act. Chicago: National Conference of Commissioners on Uniform State Laws.