



## Tuolumne County Healthcare Coalition Requesting & Utilizing Volunteers

### Requesting Volunteers

- Affected agency will submit a Situation Report - Resource Request to the Tuolumne County Medical Health Operational Area Coordinator (MHOAC)
  - If the agency has access to EMResource, they will submit an electronic Sit Rep to the MHOAC via EMResource
  - If the agency does not have access to EMResource, they will submit a paper Sit Rep to the MHOAC via fax
- In the Situation Report – Resource Request, the agency will request volunteer(s), specifying the number and type of volunteer(s) needed
- The Resource Request for volunteers will be filled locally, if possible. If the request is unable to be filled locally, the MHOAC will submit a Resource Request to the Region IV Regional Disaster Medical Health Specialist in hopes of filling the request
- Local volunteers may come from the following agencies: Disaster Healthcare Volunteers, Tuolumne County Employees (Disaster Service Workers), CERT, American Red Cross, Area 12 Agency on Aging, Catholic Charities, Community Service Unit, County Fire, Parish Nurse Program, etc.

### Deployment of Volunteers

- Volunteers are managed by the Planning Section in the Incident Command structure. Volunteers are usually assigned to the Resource Unit Leader.
  - Volunteer Coordinator is designated
  - The Volunteer Coordinator will determine deployment assignments. For example, Logistics may need drivers and inventory management staff. Operations may need clinical staff. Planning may need documentation/records assistance and Incident Command may request communication specialists.
- The Volunteer Coordinator ensures credentialing and verification prior to assignment.
- The Volunteer Coordinator provides or verifies that just-in-time training is provided, including safety instructions and specific instructions for job assignment. This may occur at a briefing by the section leader.
  - Volunteer skills and experience are matched to roles needed as much as possible.
  - Volunteers may be assigned duties that vary from their license and experience to meet the needs of the emergency. For example, an RN may be needed for registration rather than patient care.

### **Deployment of Volunteers (continued)**

- Volunteers (or staff) may experience stress related to the event. Support strategies include:
  - Briefing at check in prior to assignment by Operations Chief or Section Leader such as the Medical/Nursing Care unit leader. The Section Leader ensures breaks and nourishment opportunities are provided.
  - The Behavioral Health Director is responsible for developing a plan to address the psychological consequences of an emergency incident. This includes referral for additional services needed.
  - The Behavioral Health Group Supervisor arranges for on-site stress diffusion and if needed, a counseling and support station.
  - Debriefing of all personnel, including volunteer staff.
- If unaffiliated (spontaneous) volunteers are needed, e.g., for a long-term event, the Volunteer Coordinator is responsible for registering and qualification validation.

### **Clarification of Governmental Agents Providing Services within a Healthcare Facility as Disaster Services Workers**

In the event a local government jurisdiction is required to assist a healthcare facility in providing or arranging to provide treatment of disaster-related victims when existing facilities are overloaded and cannot accommodate the patient load, all persons providing services at the healthcare facility pursuant to an actual or implied request of the local governmental jurisdiction shall be agents of the local governmental jurisdiction, and as such, deemed Disaster Service Workers under the Emergency Services Act

### **Liability for Volunteers Flexed Scope of Practice**

- Government Code Section 8571: provides the Governor with the authority during a state of emergency or war, to suspend any regulatory statutes.....where the governor determines and declares that strict compliance with any statute, order, rule or regulation would in any way prevent, hinder or delay the mitigation of the effects of the emergency.
- California Civil Code Section 1714.5 provides immunity from liability for Disaster Services Workers as well as an owner or operator, including a public agency, which is used as a mass care center, first-aid station, temporary hospital annex, or other necessary facility for mitigating the effects of an emergency. (except for willful acts)
- CA Emergency Services Act, 8659 gives physician, hospital, pharmacist, nurse or dentist who renders services during a state of war emergency, a state of emergency or local emergency.....shall have no liability for any injury sustained by any person by reasons of such services, regardless of how or under what circumstances or by what cause such injuries are sustained immunity does not apply in event of a willful act or omission.
- CA Business and Professions Code Section 2495 similar language, and protects for any civil damages.

**Liability for Volunteers**  
**Flexed Scope of Practice (continued)**

- **CA Business and Professions Code Section 2727.5** RN who renders emergency care at the scene of an emergency which occurs outside both the place and course of that person’s employment shall not be liable for civil damages....nor their employer.
- **CA Business and Professions Code Section 2861.5** specific to LVN
- **CA Business and Professions Code Section 3503.5** PA specific to Physician Assistant
- **Government Code Section 178, Article 5** addresses the liability of health professionals providing emergency care outside the State
- **Federal Volunteer Protection Act of 1997, Section 4 (a)** Protects a volunteer of a nonprofit or government organization. Provides immunity from liability to Disaster Service Workers, protecting them from any civil litigation. Disaster Service Worker Volunteer Program Guidance, Emergency Services Act Government Code Section 8567 limits the ability of volunteers to be paid for any services provides, distinguishing a disaster Service Worker from other who are compensated for their services.
- **Others: Good Samaritan statutes, CA Business and Professions Code 2395, 2395.5, 2396, 2398**
- **California Civil Code Sections 2724.3 CPR**
- **Civil code Section 1714.6**
- **California State Board of Pharmacy Waiver**
- As the scope of practice for licensed professionals is subject to change, the Healing Arts Board’s websites are a useful resource for understanding the current scope of practice for any particular licensed healthcare professional.

Statute/Regulation	Description of Statute/Regulation and Waiver Requirements
<b>Liability of Healthcare Facilities</b>	
<b>California Civil Code Section 1714.5</b>	Provides immunity from liability for Disaster Service Workers as well as an owner or operator, including a public agency, that owns or maintains any building or premises which is used as a mass care center, first-aid station, temporary hospital annex, or other necessary facility for mitigating the effects of an emergency. The immunity protects against liability to any person who has entered to seek refuge, treatment, care, or assistance, while in or upon the premises, for injuries sustained as a result of the condition of the building or premises, as the result of any act or omission, or as a result of the use or designation of the premises as a mass care center, first-aid station, temporary hospital annex, or other necessary facility for emergency purposes. The only exclusions from immunity are the willful acts of the owner or occupant or their employees.

Statute/Regulation	Description of Statute/Regulation and Waiver Requirements
<b>California Health and Safety Code Section 1317</b>	<p>By law, emergency services and care must be provided upon request to any person for any condition in which the person is in danger of loss of life, serious injury, or illness at any health facility licensed by the State that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified staff available to provide the services or care.<sup>39</sup> A medical screening examination and stabilization of an emergency medical condition is required.<sup>40</sup> The health facility and its employees, however, including any physician, surgeon, dentist, clinical psychologist and podiatrist, are immune from liability in any action arising out of a refusal to render emergency services or care if the refusal is based on the determination, exercising reasonable care, that the person is not suffering from an emergency medical condition or that the health facility does not have the appropriate facilities or qualified staff available to render those services.</p>
<b>Liability of Healthcare Professionals</b>	
<b>California Emergency Services Act, Government Code Section 8659</b>	<p>Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, nurse, or dentist who renders services during a state of war emergency, a state of emergency, or local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.</p>
<b>California Business and Professions Code Section 1627.5</b>	<p>No licensed dentist, who in good faith renders emergency care at the scene of an emergency occurring outside the place of that person's practice, or who, upon the request of another person so licensed, renders emergency care to a person for a complication arising from prior care of another person so licensed, shall be liable for any civil damages as a result of any acts or omissions by that person in rendering the emergency care.</p>
<b>California Business and Professions Code Section 2395</b>	<p>No licensed physician or surgeon, who in good faith renders emergency care at the scene of an emergency or during a medical disaster, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care. "Medical disaster" means a duly proclaimed state of emergency or local emergency declared pursuant to the California Emergency Services Act (Government Code Section 8550, Title 2, Division 1, Chapter 7). Acts or omissions exempted from liability pursuant to this section shall include those acts or omissions which occur after the declaration of a medical disaster and those which occurred prior to such declaration but after the commencement of such medical disaster. The immunity granted in this section shall not apply in the event of a willful act or omission.</p>
<b>California Business and Professions Code Section 2727.5</b>	<p>A registered nurse who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment shall not be liable for any civil damages as the result of acts or omissions by that person in rendering the emergency care. The immunity from civil damages granted in this section shall not apply when the person is grossly negligent.</p>
<b>California Business and Professions Code Section 2861.5</b>	<p>A licensed vocational nurse who in good faith renders emergency care at the scene of an emergency which occurs outside the place and during the course of employment shall not be liable for any civil damages as the result of acts or omissions in rendering the emergency care. This section shall not be construed to grant immunity from civil damage to any person whose conduct in rendering emergency care is grossly negligent.</p>
<b>California Business and Professions Code Section 3503.5</b>	<p>A physician assistant who in good faith renders emergency care at the scene of an emergency that occurs outside the place and during the course of that person's employment shall not be liable for any civil damage as a result of any acts or omissions by that person in rendering the emergency care. This section shall not be construed to grant immunity from civil damages to any person</p>

Statute/Regulation	Description of Statute/Regulation and Waiver Requirements
	<p>whose conduct in rendering emergency care is grossly negligent. In addition to the immunity specified in Business and Professions Code Section 3503.5 (a), the provisions of Business and Professions Code Section 2395, Chapter 5, Article 17 shall apply to a physician assistant when acting pursuant to delegated authority from an approved supervising physician.</p>
<p><b>Government Code Section 178 Article 5</b></p>	<p>This section addresses the liability of health professionals providing service outside the state by which they are licensed. This section indicates that no party, state, or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged.</p>

For additional information, please see Tuolumne County Health Emergency Preparedness and Response Plan (HEPreP) Annex 10. Volunteer Management Plan