



# American Public Health Association

*Working for a Healthier World*

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Testimony of the American Public Health Association  
“Uniform Emergency Volunteer Health Practitioners Act, H.B. 666”  
Submitted for the Record  
Maryland House of Delegates, Health and Government Operations Committee  
February 26, 2008

**American Public Health Association:**

The American Public Health Association (APHA) is the nation’s oldest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States. We are pleased to submit our views on the Uniform Emergency Volunteer Health Practitioner Act, H.B. 666.

**Summary:**

Meeting surge capacity of patients during a disaster or emergency is necessary to ensure an adequate and efficient response. States will need to rely extensively on the resources provided by volunteer organizations to accomplish this task. However, many difficult legal challenges surface during the deployment and use of volunteer health practitioners (VHPs) during an emergency or disaster, both within and outside of the licensing jurisdiction. Included among these challenges are recognition of out of state licenses, permissible scope of practice, the relationship between VHPs, relief organizations, healthcare facilities, and government entities, and whether VHPs are entitled to liability protections and workers compensation benefits. The Uniform Emergency Volunteer Health Practitioners Act (UEVHPA), H.B. 666, seeks to address these challenges and provide uniformity of law across states.

While there are a number of state and federal registry systems for volunteer health professionals, including the Emergency Systems for Advanced Registration of Volunteer Health Professionals (ESAR-VHP) and the Medical Reserve Corp, and state and federal laws that address the legal status of volunteer emergency responders, such as the Emergency Management Assistance Compact (EMAC), it was apparent during the 2005 Gulf Coast hurricanes that many deficiencies exist in the current systems. As a result of these deficiencies, volunteer health practitioners not employed by state and federal agencies that responded to the Gulf Coast states in the aftermath of Hurricanes Katrina and Rita were not fully utilized, even though the most important need at that time was medical volunteers. Uniform state standards that facilitate the coordinated, effective deployment of VHPs are necessary to ensure that these problems do not occur again.

**Registration System:**

While all 50 states participate in the Emergency Management Assistance Compact (EMAC), this system is not sufficient to ensure that all available VHPs are deployed and utilized in an efficient manner. While EMAC covers state government employees, some jurisdictions, in an attempt to incorporate private sector volunteers into the EMAC system, developed a process by which private

sector VHPs may be incorporated into state forces. However, VHPs must go through a complicated process that is inadequate and extremely burdensome, making it difficult to deploy sufficient numbers of VHPs to respond to the patient surge capacity during a disaster or emergency.

The registration system provided for in the UEVHPA is a routine, simple, straightforward registration system that will allow VHPs to register in advance or during an emergency. Such a system must comply with strict standards that will ensure that those registered are properly licensed and in good standing within the licensing jurisdiction. Importantly, this registration system, unlike many existing registration systems, will incorporate all licensed practitioners providing health or veterinary services. Current systems are functionally limited to state officers, employees, or other volunteers affiliated with the state government. This registration system will also allow healthcare facilities and disaster relief organizations to confirm that VHPs are properly licensed and in good standing.

### **Civil Liability and Workers' Compensation Protections:**

In addition to establishing a registration system, the UEVHPA addresses the extent to which volunteer health practitioners and entities deploying, registering, and using them are liable for civil claims arising out of the practitioner's act or omission in providing health or veterinary services and allows for VHPs to seek workers' compensation benefits under certain circumstances. The UEVHPA extends to private sector VHPs the same protections available to government employees under EMAC in a fair and reasonable manner.

Noting the lack of empirical evidence regarding the significance of liability protection and workers' compensation benefits, the Community Health Planning and Policy Development Section of the American Public Health Association (APHA) conducted an electronic survey in 2006 that focused on these important issues. There were 1,077 total respondents to the survey. Direct health providers accounted for 27.3% of the survey respondents, the majority of which were doctors and nurses. Approximately 12% of respondents indicated they were currently enrolled in an ESAR-VHP or other volunteer registry system. When asked as a potential volunteer, how important is your immunity from civil lawsuits in deciding whether to volunteer during emergencies, almost 70% of respondents indicated it was "important" or "essential." Only 5.5% of respondents indicated that civil immunity was "not important," with the remainder (25%) saying it was "somewhat important." Responding to the question, "As a potential volunteer, how important to you is your protection from harms (e.g. physical or mental injuries) . . . through benefits akin to workers' compensation?" 74.1% of respondents indicated it was "important" or "essential." Only 4.8% of respondents indicated that workers' compensation benefits were "not important," with the remainder (21%) saying it was "somewhat important." Based on these survey results, respondents (many of whom are prospective or actual volunteer health practitioners) clarified that civil immunity protections (70%) and workers' compensation benefits (74%) are important or essential facets of their decision whether to volunteer during an emergency.

### **Conclusion:**

As was seen during the response to Hurricanes Katrina and Rita, an ad hoc, non-uniform mechanism of executive orders and directives made it impossible for VHPs and relief organizations to understand what services they could provide, when they could provide them, and to whom they could provide them. As a result, desperately needed services was delayed or never provided. Many VHPs were never able to provide their services and those that did were unsure about their legal status. Enactment of H.B. 666 will further the goals of ensuring a sufficient supply of skilled and

experienced volunteer health practitioners that may provide appropriate health services during a disaster or emergency. Uniform state standards will facilitate a coordinated, effective response during an emergency and will ensure that disaster victims receive desperately needed assistance to ensure their health and wellbeing.