

Virginia Medical Reserve Corps: Liability and Safety Considerations

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Agenda

- Introductions
- Liability Issues
- Safety & Occupational Health

MRC Volunteer Liability Protections in the Code of Virginia (Declared Emergencies)

[§ 44-146.23. Immunity from liability.](#)

A. **Neither** the Commonwealth, nor any political subdivision thereof, nor federal agencies, nor other public or private agencies, nor, **except in cases of willful misconduct**, public or private employees, nor representatives of any of them, **engaged in any emergency services activities, while complying with or attempting to comply with this chapter** or any rule, regulation, or executive order promulgated pursuant to the provisions of this chapter, **shall be liable for the death of, or any injury to, persons or damage to property as a result of such activities.** The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the Workers' Compensation Act (§ 65.2-100 et seq.), or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress. For the purposes of the immunity conferred by this subsection, representatives of public or private employees **shall include**, but shall not be limited to, **volunteers** in state and local services who are persons **who serve in a Medical Reserve Corps (MRC) unit** or on a Community Emergency Response Team (CERT).

MRC Volunteer Liability Protections in the Code of Virginia (Declared Emergencies)

§ 32.1-48.016. Immunity from liability

Any person, including a person who serves in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT), who, in good faith and in the performance of his duties, acts in compliance with this article and the Board of Health's regulations shall not be liable for any civil damages for any act or omission resulting from such actions unless such act or omission was the result of gross negligence or willful misconduct.

Summary of Section 44.146.23

- Applies during declared emergencies
- MRC Volunteers enjoy the same Sovereign Immunity that applies to state & local government agencies and their employees
- Must work within the scope of their medical license
- Liability protection does not apply to gross negligence or willful misconduct

MRC Volunteer Liability Protections in the Code of Virginia (Non-Emergencies)

§ 2.2-3605. Volunteer benefits (virginia.gov)

D. **Liability insurance may be provided** by the department utilizing their services both to **regular-service and occasional-service volunteers** to the same extent as may be provided by the department to its paid staff. **Volunteers in state and local service, including**, but not limited to, any person who serves in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT), **shall enjoy the protection of the Commonwealth's sovereign immunity** to the same extent as paid staff.

§ 2.2-3601. Definitions.

“Volunteer in state and local services” shall include, but shall not be limited to, any person who serves in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT) while engaged in emergency services and preparedness activities as defined in § 44-146.16.

Summary of Section 2.2-3605 & 3601

- Volunteer liability protection applies at all times, not just during emergencies
- Liability Insurance provided by the Department can be extended to cover Volunteers working on behalf of the Department

Liability Protection Elements

- Work on behalf of the Department
- Serve as a Volunteer without financial compensation
- Work within scope of Practice
- No gross negligence or misconduct

Considerations for Partnerships with External Organizations

MRC Volunteer Liability Protections Apply if the Volunteers are...

- Serving as agents of the Health Department
- Working within their scope of practice
- Are not compensated for their work

MRC Volunteer Liability Protections Do NOT Apply if the Volunteers are...

- Serving solely as volunteers of the external organization
- Receiving compensation for their work

A Memorandum of Agreement may be required.

MRC Volunteer Safety Considerations

Identify & Mitigate Hazards to Prevent Injuries:

- Environmental hazards:
 - Slippery Floors, Uneven Surfaces, Tripping Hazards
 - Potential for electrical shock, thermal burns or chemical hazards
 - Weather conditions (extreme hot or cold, precipitation)
 - Potential for vehicle collisions (with other vehicles or pedestrians)
 - Potential for head injuries (from items falling from heights)
- Work-Related Hazards:
 - Exposure to blood or body fluids
 - Needle-sticks
 - Lifting Injuries

MRC Volunteer Safety Considerations

Site Set-Up:

- Fire Safety:
 - Ensure exits are clearly marked and unobstructed
 - Ensure fire alarms are present and work
 - Ensure that fire extinguishers are available
 - Brief the fire evacuation plan to all staff and volunteers
- Trips, Slips and Falls Prevention:
 - Cordon off unsafe areas and/or mark with traffic cones and signs
 - Keep floors dry – mop up spills as they occur
 - Keep wires and cables out of foot traffic areas
 - If wires must be run across walkways use cable protectors

MRC Volunteer Safety Considerations

Training:

- Ensure all staff and volunteers are trained on safety techniques and PPE
 - Don't just tell them: Demonstrate the techniques and observe the team members' performance of those techniques
 - Allow time for questions
 - Includes checks on learning

Health Screenings:

- May be required for certain tasks, such as tuberculosis testing

If injuries to Volunteers DO occur

- Apply immediate first aid
- Evacuate to higher level of care as needed (i.e., call 911)
- Document the Injury (Client Occurrence Reporting Form)
- Volunteers should first use their own health insurance to pay for medical care
- VDH is covered by the Commonwealth of Virginia Risk Management Plan, which places a limit of \$100,000 for tort claims
 - Injured Volunteers may seek a claim against this plan
- Worker's Compensation: VDH does not currently provide Worker's Compensation to MRC Volunteers

Mental & Behavioral Health Considerations

MRC Volunteers responder may experience psychological trauma through:

- Stressful situations
- Direct experience with traumatic events
- Vicarious trauma through interacting with survivors
- Moral injury from the inability to save everyone

Prevention techniques:

- Good communication (before, during, after deployments)
- Teamwork and pairing volunteers with experienced responders
- Meeting immediate physical needs (food, warmth, shelter, security)
- Adequate work/rest cycles

Mental & Behavioral Health Considerations

Post-Deployment:

- Conduct post-deployment surveys
- Conduct debriefing sessions as needed
- Encourage help-seeking behaviors