

Massachusetts Department of Public Health

Health Care Volunteers and Liability

LIABILITY PROTECTIONS FOR MRC AND OTHER HEALTH CARE PROFESSIONAL VOLUNTEERS

Depending on your role and responsibilities, you may be protected by one or more of the following.

1. Federal Volunteer Protection Act (42 U.S.C. § 14501)

You have immunity from (no liability for) negligence if you volunteer for a nonprofit organization or governmental entity. No need for federal funding.

You must act within the scope of your responsibilities in the organization.

You must be properly licensed, certified, or authorized to act. Protection is not limited to emergencies.

You are not protected if the harm occurred through your operation of a motorized vehicle.

You are not protected for reckless misconduct or gross negligence.

2. Doctors and Nurses Working in Public Health Programs

(Mass. General Laws, chapter 112, § 12C)

You have immunity from liability in any civil suit for damages if you are a physician or nurse “administering immunization or other protective programs under public health programs” (government programs).

You can be paid or unpaid.

Protection is NOT limited to emergencies.

3. Protection for EMS Personnel (Mass. General Laws, chapter 111C, § 21)

Law protects certified, accredited, or approved EMS personnel, and EMS personnel certified or authorized under c. 111C, s. 9, when they are on duty and in good faith render first aid, CPR, transportation, or other emergency medical services.

4. Protection for Public Employees under Mutual Aid Agreements (Mass. General Laws, chapter 40, sections 4A or 4J)

If your city or town has entered into a mutual aid agreement under section 4A or opted into the statewide mutual aid agreement under section 4J, AND if you are a municipal employee or special municipal employee, you are protected under the Mass. Tort Claims Act, chapter 258.

- To be a special municipal employee, you must be so designated by a government entity, e.g. the select board or city council.
- You must be under the direction and control of your appropriate supervisor

Disclaimer: This information is only a brief outline of liability protections in Massachusetts. It is provided for educational purposes only and is not to be construed as legal advice. Consult your own attorney for legal advice.

and must act within the scope of your official duties.

NOTE that you must be sent by a city, town, or county, not a group of municipalities.

NOTE that **Good Samaritan Laws** (found in various provisions of Mass. General Laws) likely only protect various health care professionals from liability in an immediate emergency or urgent situation, such as an auto accident, immediate aftermath of a bombing, etc.

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Revised October 2013