

## Displaying information for All Roles located in Montana for All Scenarios

### Liability: Nonprofit Officer, Director, or Volunteer

27-1-732, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An officer, director, or volunteer of a nonprofit, who acts within the scope of their duties, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with intent to cause harm.

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### Liability: Medical Practitioner and Dental Hygienist

27-1-736, MCA

Other medical professional, Nurse, Physician, EMT, Veterinarian, Dentist, Pharmacist, Mental and Behavioral Health Professional

A medical practitioner or a dental hygienist, who, voluntarily and without compensation, provides care to an uninsured patient at no cost will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness, intent to cause harm, or maintain malpractice insurance covering such services.

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### Liability: Physician Assistant and Supervising Physician

37-20-410, MCA (3)-(4)

Other medical professional, Physician

When an emergency declaration is in effect, a physician assistant, who voluntarily and without compensation provides care, or a physician, who supervises a physician assistant, will not be held legally responsible for acting or failing to act.

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### Liability: Health Care Professional

10-3-110, MCA

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Mental and Behavioral Health Professional

When an emergency declaration is in effect, a Montana licensed health care professional who, in good faith, provides care will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

A licensing board or program can impose administrative sanctions on a health care provider for unprofessional conduct during a public health emergency.

This section does not apply to health care professionals employed by the United States, Montana, or a political subdivision.

**Liability: Chiropractor**

ARM 24.126.415(3)-(4)

Other medical professional

A chiropractor with a temporary or out of state license, or a chiropractor supervising a chiropractor with a temporary license, who, voluntarily and outside their ordinary course of employment, provides care during an emergency or disaster, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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**Liability: Government**

10-3-111, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

The state, a political subdivision, or the agents, representatives, or a political subdivision of the state will not be held legally responsible for property damage or injury to a volunteer civilian defense worker, a volunteer professional, or a person engaged in civilian defense or recovery activities. The individual or entity must comply, or attempt to comply, with all orders and rules.

This section does not limit workers' compensation entitlements.

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**Liability: Intrastate Mutual Aid**

10-3-912, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual, who provides assistant pursuant to an intrastate mutual aid agreement and complies, or attempts to comply, with the system, will not be held legally responsible for property damage or injury to another person. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section is limited to the intrastate mutual aid system.

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**Liability: Hazardous Material Incident**

10-3-1217, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

The State, a political subdivision, the state emergency response commission, a local, state, or private response team, or an employee or representative of any of the previous, who provides aid regarding the release, or threatened release, of a hazardous material, will not be held legally responsible for damage, injuries, or cost.

### **Good Samaritan Law**

27-1-714, MCA

Physician, EMT, Firefighter

An individual who, in good faith and without compensation, provides emergency care at the scene of an emergency or accident, will not be held legally responsible for acting or failing to act.

This section includes persons trained to operate an ambulance or trained to provide emergency medical care on a volunteer basis.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### **Liability: Use of AED or CPR**

50-6-505, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual, who provides emergency care by using an AED or CPR, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### **Liability: Medical Direction to Emergency Medical Services Provider**

50-6-317, MCA

Other medical professional, Nurse, Physician, EMT

A physician, physician assistant, or registered nurse, who provides online medical direction to a member of an emergency medical service but whose professional practice is not primarily in the emergency or trauma room, will not be held legally responsible for damages resulting from instructions. They can be held legally responsible if acting with extreme carelessness.

The physician, physician assistant, or registered nurse must act consistent with protocols approved by the department in licensing the emergency medical services providers and the level of licensure of the emergency medical services being instructed.

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### **Liability: Food Donation**

27-1-716, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who donates canned or perishable food to nonprofit or charitable organization for free distribution, or the nonprofit or charitable organization who distributes the food will not be held legally responsible for injuries or death related to the food. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section only applies when the food was considered fit for human consumption at the donation or distribution.

**License Reciprocity: Volunteer Professional**

10-3-118, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, a volunteer professional, who holds an active, unrestricted license in another state, can practice in Montana as if they are licensed in Montana. They must follow the scope and standard of practice of Montana. The professional must register with the appropriate licensing board.

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**License Reciprocity: Retired Dentist or Dental Hygienist**

37-4-340, MCA

Other medical professional, Dentist

A retired or nonpracticing dentist or dental hygienist can apply for a license to provide uncompensated care to under-served, uninsured, or low-income populations.

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**License Reciprocity: Dentist or Dental Hygienist**

37-4-341, MCA

Other medical professional, Dentist

A dentist or dental hygienist who is licensed and in good standing in another state can be issued a restricted temporary license to provide uncompensated care at federally funded community health centers.

This license can be renewed annually.

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**License Reciprocity: Chiropractor**

ARM 24.126.415 (1)-(2)

Other medical professional

A chiropractor with an out of state license, or a chiropractor supervising a chiropractor with a temporary license who provides medical care in response to an emergency or disaster, does not have to comply with supervision requirements.

This is limited to the duration of the emergency or disaster.

**License Reciprocity: Intrastate Mutual Aid System**

10-3-909, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect or during a drill, a person or entity, who holds a license, certificate, or permit issued by a participating jurisdiction, will be considered licensed, certified, or permitted in the requesting jurisdiction.

This section is limited to intrastate mutual aid system.

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**Scope of Practice: Physician Assistant**

37-20-410, MCA (1)-(2)

Other medical professional, Physician

When an emergency declaration is in effect, a licensed physician assistant can provide care in response to the emergency or declaration without physician supervision or whatever supervision is available.

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**License Reciprocity: Volunteer Professional**

10-3-118, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, a volunteer professional, who holds an active, unrestricted license in another state, can practice in Montana as if they are licensed in Montana. They must follow the scope and standard of practice of Montana. The professional must register with the appropriate licensing board.

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**License Reciprocity: Chiropractor**

ARM 24.126.415 (1)-(2)

Other medical professional

A chiropractor with an out of state license, or a chiropractor supervising a chiropractor with a temporary license who provides medical care in response to an emergency or disaster, does not have to comply with supervision requirements.

This is limited to the duration of the emergency or disaster.

**Workers' Benefits: Disaster Relief Volunteer Service**

2-18-627, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An employee of an agency, who is a certified American Red Cross disaster relief volunteer, and their aid is requested by the American Red Cross, can be granted leave with pay to provide aid.

This is limited to 15 days in a 12 month period either consecutively or nonconsecutively .

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**Workers' Compensation: Intrastate Mutual Aid System**

10-3-911, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual, who is performing duties for a intrastate mutual aid agreement and is injured or killed, will be entitled to the same workers' compensation as if they were in their home jurisdiction.

This section is limited to statewide mutual aid agreements.

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**Workers' Compensation: Air Search and Rescue Volunteer**

67-2-105, MCA

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An air search and rescue volunteer, who is injured or killed while performing their duties, is entitled to workers' compensation.

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**Workers' Compensation: Volunteer Firefighter**

7-33-4510, MCA

Firefighter

A fire agency can choose to provide volunteer firefighters workers' compensation, if they are injured or killed while performing their duties.

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**Relevant Compacts**

Interstate Medical Licensure Compact

Nurse Licensure Compact

Recognition of Emergency Medical Services Personnel Licensure Interstate Compact

Western Interstate Nuclear Compact

Emergency Management Assistance Compact