

Displaying information for All Roles located in North Dakota for All Scenarios

Good Samaritan Law: Volunteer

N.D. Cent. Code, 39-08-04.1

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

A volunteer who, in good faith and without compensation, provides emergency care or services at the scene of an accident, disaster, or while en route to a health care facility, will not be held legally responsible. They can be held legally responsible for being intoxicated or if acting with extreme carelessness or intent to cause harm.

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

Liability: Emergency Care

N.D. Cent. Code, 23-27-04.1

Other medical professional, Volunteer / Other, Physician, EMT

An individual who is a member of the emergency medical services and who, in good faith and voluntarily, provides medical direction, emergency care consistent with their training and licensure, or does not provide care because it is not medically necessary, will not be held legally responsible for acting or for failing to act. They can be held legally responsible for being intoxicated or if acting with extreme carelessness or intent to cause harm.

Liability: Use of Opioid Antagonist

N.D. Cent. Code, 23-01-42

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

A health care professional can distribute, dispense, or prescribe an opioid antagonist to an individual at risk of experiencing an opioid-related overdose or any person in close contact with an at risk individual and will not be held legally responsible or subject to professional discipline. They can be held legally responsible or professionally disciplined if acting with extreme carelessness or intent to cause harm.

Liability: Donation of Food

N.D. Cent. Code, 19-05.1-02

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, in good faith, donates perishable food to a charitable or nonprofit organization, will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Complying with Emergency Management

N.D. Cent. Code, 37-17.1-16(1)

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, in good faith, participates in emergency service response activities, during an emergency scenario under the direction of a government official or entity and complies, or attempts to comply, with emergency orders will not be held legally responsible. They can be held legally responsible for acting with extreme carelessness or intent to cause harm.

Liability: Providing Shelter

N.D. Cent. Code, 37-17.1-17

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, voluntarily and without compensation, allows the use of their property for emergency management activities during an actual disaster or training exercise will not be held legally responsible for injury, death, or damage to property. They can be held legally responsible for acting with extreme carelessness or intent to cause harm.

Liability: Clearing Debris

N.D. Cent. Code, 37-17.1-21

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, an individual, who is either appointed by a government entity to remove debris or who is a member of a state agency directed to remove debris, will not be held legally responsible for injury, death, or damage to property. They can be held legally responsible for acting with extreme carelessness or intent to cause harm.

Good Samaritan Law

N.D. Cent. Code, 32-03.1-02

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 aid or assistance to a person injured or ill as the result of an accident, will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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

Liability: Serving as Volunteer Medical Director

N.D. Cent. Code, 23-01.2-02

Physician

A physician, who serves voluntarily as a medical director, will not be held legally responsible for actions taken as a medical director.

Liability: Advance Directive

N.D. Cent. Code, 23-06.5-12(3)

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

A health care provider, who provides care or refuses to provide care to an individual contrary to the individual's advance directive, will not be held legally responsible, if the health care provider provides notice and documents their unwillingness to comply with the advance directive and arranges to transfer the individual to another provider willing to comply with the advance directive.

Liability: Architect or Engineer

N.D. Cent. Code, 32-03-47

Volunteer / Other

When an emergency declaration is in effect, an architect or engineer, who, voluntarily and without compensation, provides architectural, structural, electrical, mechanical, or other engineering services at the request of a public official, will not be held legally responsible for injury, death, or damage to property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm. This section is limited to up to 90 days after the declaration.

Liability: Nonprofit Volunteer

N.D. Cent. Code, 32-03-45

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, in good faith, provides services within the scope of their volunteer duties with a nonprofit organization, will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm. They can also be held legally responsible for causing injury or damage to property while operating a motor vehicle.

Liability: Use of AED

N.D. Cent. Code, 32-03.1-02.3

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, in good faith and without compensation, provides emergency care by using an AED, will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

License Reciprocity: Individual Under Governmental Direction

N.D. Cent. Code, 37-17.1-16(2)

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, an individual performing emergency response activities, under the direction of a government official or entity, does not need to comply with North Dakota licensure requirements to practice any professional, mechanical, or other skill that they will perform in the course of their official duties.

License Reciprocity: Out-of-State Practitioner During Declared Emergency

N.D. Cent. Code, 43-51-04

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, and after providing written notice to the appropriate state licensing board, an individual, who currently maintains an out-of-state license in good standing, can provide services, within the scope of their license, in North Dakota for up to 60 days per year.

License Exemption: Out-of-State Ambulance and Fire Services

N.D. Admin. Code 33-11-01.2-11

Volunteer / Other, EMT

An operator of an ambulance, licensed out-of-state, can pick up patients in North Dakota when there is a disaster or accident that requires ambulance services. An out-of-state fire service can bring NREMT-certified emergency medical personnel to provide physician-supervised treatment to their own staff.

Liability: Use of Opioid Antagonist

N.D. Cent. Code, 23-01-42

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

A health care professional can distribute, dispense, or prescribe an opioid antagonist to an individual at risk of experiencing an opioid-related overdose or any person in close contact with an at risk individual and will not be held legally responsible or subject to professional discipline. They can be held legally responsible or professionally disciplined if acting with extreme carelessness or intent to cause harm.

License Exemption: Out-of-State Ambulance and Fire Services

N.D. Admin. Code 33-11-01.2-11

Volunteer / Other, EMT

An operator of an ambulance, licensed out-of-state, can pick up patients in North Dakota when there is a disaster or accident that requires ambulance services. An out-of-state fire service can bring NREMT-certified emergency medical personnel to provide physician-supervised treatment to their own staff.

Scope of Practice: Respiratory Care Provider Practice During Disaster

N.D. Cent. Code, 43-42-04

Other medical professional

When an emergency declaration is in effect, a registered or certified respiratory therapist can provide respiratory care wherever it is required.

Scope of Practice: Nurse at Scene of Emergency

N.D. Cent. Code, 43-12.1-12

Nurse

A licensed nurse can, in good faith, provide nursing care at the scene of an accident. When an emergency declaration is in effect, a nurse can, in good faith, initiate any therapeutic treatment.

Workers' Benefits: Volunteer Emergency Responder Job Protection

N.D. Cent. Code, 37-29-03

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, an individual who is a volunteer emergency responder will not be terminated, demoted, or discriminated against for being absent or tardy to work, up to 20 days per year, on the basis of their service as a volunteer emergency responder. They can be terminated, demoted, or discriminated against for not attempting to inform their employer of their volunteer service.

An employee of a state, local, or private agency or entity that performs critical emergency services during a disaster is not entitled to the job protection if their absence will cause their employing agency or entity to suffer from understaffing during the declared emergency.

Workers? Benefits: Certified Disaster Service Volunteer

N.D. Cent. Code, 54-06-14.3

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

When an emergency declaration is in effect, and upon request from the American Red Cross and with supervisor approval, a state employee who is a certified disaster service volunteer can obtain paid leave from their place of employment for up to 5 days per year to participate in specialized disaster relief services with the American Red Cross in any state. They will not lose seniority, annual leave, sick leave, or accrued overtime as a result of volunteering.

This section applies to level II disasters and above, as designated by the American Red Cross? Regulations and Procedures.

Relevant Compacts

Nurse Licensure Compact

Emergency Management Assistance Compact