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Powers, Duties, Rights, Privileges and Immunities: Firefighters Providing Aid in Another Jurisdiction

Va. Code Ann. 44-153

Firefighter

When Virginia firefighters are engaged in providing aid inside Virginia, the firefighters enjoy the same powers, duties, rights, privileges and immunities as the firefighters would otherwise have in their home town.

Good Samaritan Law: Emergency Services Provider

Va. Code Ann. 8.01-225(5)

EMT

A licensed emergency services provider who, in good faith and voluntarily, provides care or assistance at any place or while en route to, from, or between health care facilities will not be held legally responsible for acting or for failing to act.

This section includes the administration of epinephrine to a person the individual believes is suffering or is about to suffer a severe allergic reaction.

License Reciprocity and Liability: Emergency Services Personnel

Va. Code Ann. 44-146.23(C)

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

When an emergency declaration is in effect, an individual who holds a credential to practice in another state can, without compensation, provide aid in Virginia at the same skill level as in the individual's home state. The individual will not be held legally responsible for causing injury, death, or damage to property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Medical Personnel Working with Midwife

Va. Code Ann. 54.1-2957.12

Other medical professional, Nurse, Physician, EMT

Medical personnel who provide aid to an individual injured by a licensed midwife co-worker will not be held legally responsible. They can be held legally responsible if they had a business relationship with the licensed midwife.

Liability: Discharge of Hazardous Substance

Va. Code Ann. 44-146.23(E)

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

An individual who, voluntarily, without compensation, and under the direction of a governmental official, provides care, assistance, or advice regarding an actual or imminent discharge of hazardous substances will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Hospice Volunteer

Va. Code Ann. 8.01-226.4

Other medical professional, Volunteer / Other

An individual who, voluntarily and in good faith, provides care to a terminally ill hospice patient 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.

Liability: Volunteer First Responders en Route to an Emergency

Va. Code Ann. 8.01-225.3

EMT, Firefighter

Volunteer emergency medical personnel or volunteer firefighters who are en route to respond to a fire or provide emergency care, with lights and sirens activated, will not be held legally responsible for injury or damage to property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Use of AED

Va. Code Ann. 8.01-225(7)-(8)

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

An individual who operates an AED at the scene of an emergency or who trains others to use an AED or who orders or owns AEDs will not be held legally responsible for any injury that results from the good faith use of the AED. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Health Care Provider During Disaster

Va. Code Ann. 8.01-225.01(A)

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker

When an emergency declaration is in effect, a health care provider who responds to the emergency to provide medical care will not be held legally responsible for injury or death of an existing patient that occurs as a result of abandonment. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section only applies when the health care provider owes a duty to provide treatment to an individual, but abandons the individual to respond to the emergency.

Liability: Maintenance or Repair of Devices or Equipment

Va. Code Ann. 44-146.23(D)

Volunteer / Other

When an emergency declaration is in effect, an individual who, without compensation and with prior approval, provides maintenance service to electronic devices or equipment will not be held legally responsible for injury, death, or damage to the inherently defective property serviced by the individual.

Liability: Providing Goods and Services

Va. Code Ann. 44-146.23(F)

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

When an emergency declaration is in effect or during emergency training, an individual who, voluntarily, provides services, goods, real or personal property, or facilities upon official request will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Opioid Antagonist Administration

Va. Code Ann. 8.01-225(16)

Other medical professional, Nurse, Physician, EMT, Veterinarian, Dentist, Pharmacist

An individual who is licensed to prescribe, dispense, or administer naloxone or another opioid antagonist and does so in an emergency to an individual believed to be suffering a life-threatening overdose will not be held legally responsible for acting or for failing to act.

Liability: Physician

Va. Code Ann. 8.01-225(B)

Physician

A licensed physician who, without compensation, serves as the medical director for an emergency medical services agency will not be held legally responsible for the care provided by the emergency medical services personnel.

A licensed physician who, in good faith and without compensation, serves as the medical advisor for an E-911 system in Virginia and provides advice to the personnel will not be held legally responsible.

A licensed physician who is authorized to direct emergency medical services over the phone or other device by the Virginia Board of Health and does so will not be held legally responsible.

A licensed physician who, in good faith and without compensation, provides medical advice to the owner of an AED regarding its use will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Veterinarian Providing Free Services

Va. Code Ann. 54.1-3811

Other medical professional, Veterinarian

An individual licensed by the Board of Veterinary Medicine who, in good faith and without compensation, provides health care services to any animal 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.

Liability: Mine Rescue Volunteer and Mine Operator

Va. Code Ann. 8.01-225(C)

Volunteer / Other

A volunteer who, in good faith, provides rescue or recovery efforts at a mine or a mine operator who voluntarily provides personnel to work a mine not owned by that mine operator 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.

Liability: Emergency Dispatcher

Va. Code Ann. 8.01-225(B)

Volunteer / Other

An emergency dispatcher who, in good faith and without compensation, serves as the dispatcher for an emergency medical services agency will not be held legally responsible for the care provided by the emergency medical services personnel. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Reporting Infectious Disease

Va. Code Ann. 32.1-38

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

An individual who makes a report regarding an infectious disease to the Virginia Department of Health will not be held legally responsible. They can be held legally responsible if acting outside of the individual's scope of practice, with extreme carelessness, or with intent to cause harm.

Liability: Providing Shelter

Va. Code Ann. 44-146.23(B)

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

An individual who permits the use of the individual's real property to shelter persons involved in providing emergency services will not be held legally responsible during an actual or impending disaster. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Good Samaritan Law: Emergency Care of Animal

Va. Code Ann. 8.01-225.2

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

An individual who, in good faith and voluntarily, provides emergency care to an injured animal at the scene of an emergency will not be held legally responsible.

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

Liability: Hazardous Materials Assistance

Va. Code Ann. 8.01-225(4)

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

An individual who, in good faith, provides assistance at the request of a law enforcement, fire department, or government official following an emergency relating to liquefied petroleum gas, natural gas, or other hazardous material, will not be held legally responsible for acting or for failing to act.

Liability: Medical Reserve Corps or Community Emergency Response Team

Va. Code Ann. 32.1-48.016

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

An individual who serves in a Medical Reserve Corps unit or Community Emergency Response Team and who, in good faith, complies with rules issued by the Virginia Commissioner of Health or Virginia Board of Health will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section includes providing appropriate medical treatment or monitoring to quarantined or isolated persons, ensuring that the site of quarantine or isolation is safe and hygienic with adequate food, clothing, health care, and other essential needs, delivering an order of isolation, refraining from self-referrals, or any other rules.

Liability: Emergency Services Activities

Va. Code Ann. 44-146.23(A)

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

A volunteer who participates in an emergency service activities while abiding by emergency rules and relevant laws in Virginia will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Architect and Professional Engineer

Va. Code Ann. 8.01-226.2

Volunteer / Other

A licensed architect or professional engineer who, in good faith and voluntarily, provides rescue relief or assistance during a disaster or life-threatening emergency 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.

Liability: Health Care Provider During Disaster

Va. Code Ann. 8.01-225.02

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker

When an emergency declaration is in effect, a health care provider who provides care without their normal resources will not be held legally responsible for injury or death. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability: Emergency Medical Services Instructor

Va. Code Ann. 8.01-225(B)

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

A certified instructor who, in good faith, teaches a certification course for emergency medical service providers will not be held legally responsible as a result of such instruction as long as there was a written agreement with the Virginia Office of Emergency Medical Services and the certified instructor did not act with extreme carelessness or with intent to cause harm.

License Reciprocity and Liability: Emergency Services Personnel

Va. Code Ann. 44-146.23(C)

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

When an emergency declaration is in effect, an individual who holds a credential to practice in another state can, without compensation, provide aid in Virginia at the same skill level as in the individual's home state. The individual will not be held legally responsible for causing injury, death, or damage to property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Powers, Duties, Rights, Privileges and Immunities: Firefighters Providing Aid in Another Jurisdiction

Va. Code Ann. 44-153

Firefighter

When Virginia firefighters are engaged in providing aid inside Virginia, the firefighters enjoy the same powers, duties, rights, privileges and immunities as the firefighters would otherwise have in their home town.

Exemptions From Virginia Pharmacy and Drug Requirements During Emergency

Va. Code Ann. 54.1-3307.3

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Veterinarian, Dentist, Pharmacist, Mental and Behavioral Health Professional

When an emergency declaration is in effect, the Board of Pharmacy can waive certain requirements, thereby authorizing the following actions:

A pharmacist can dispense Schedule II drugs without a properly executed written prescription for a person or animal; a pharmacist can also dispense Schedule III and IV drugs without written or oral prescription.

A pharmacist does not need to personally perform or supervise the compounding process, keep records of compounded drug products, or maintain a formal written quality assurance plan.

A prescribing practitioner does not need to supervise a nurse, physician assistant, or intern during the administering of drugs, as long as administration of such drugs is within the nurse's, physician assistant's, or intern's scope of practice; similarly, a nuclear medicine technologist can administer radiopharmaceuticals used in diagnosis or treatment without a prescribing practitioner's supervision.

A practitioner of the healing arts authorized by scope of practice to dispense drugs, but not otherwise licensed by the board of pharmacy to sell controlled substances, can dispense controlled substances.

Schedule II Drug Administration in Emergency

Va. Code Ann. 54.1-3307.3(A)(2)

Pharmacist

When an emergency declaration is in effect, a pharmacist can, in good faith, dispense Schedule II drugs on the basis of an oral prescription rather than a properly executed written prescription.

Scope of Practice: Use of Epinephrine Administration

Va. Code Ann. 54.1-3408(D)

EMT, Government Public Health, Pharmacist, Mental and Behavioral Health Professional

Certain emergency medical services personnel, an employee of a local health department, or a provider licensed by the Department of Behavioral Health and Developmental Services can possess and administer epinephrine during medical emergencies.

Scope of Practice: Substitute Firefighter

Va. Code Ann. 44-155

Firefighter

When a significant number of regular Virginia firefighters are engaged in providing aid, substitute firefighters can be appointed and will have the same powers and duties as regular firefighters.

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Va. Code Ann. 44-153

Firefighter

When Virginia firefighters are engaged in providing aid inside Virginia, the firefighters enjoy the same powers, duties, rights, privileges and immunities as the firefighters would otherwise have in their home town.

Scope of Practice: Drug Administration During a Declared Emergency

Va. Code Ann. 32.1-42.1

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

When an emergency declaration is in effect, the Virginia Commissioner of Health can authorize individuals who are otherwise not authorized to administer or dispense drugs, but who have some training regarding the safe administration of drugs, to administer and dispense drugs.

Providing Controlled Substances During Medical Emergency

Va. Code Ann. 54.1-2914(A)

Physician

A physician or podiatrist can provide or administer controlled substances to patients during a medical emergency or when pharmaceutical services are not available.

Powers, Duties, Rights, Privileges and Immunities: Firefighters Providing Aid in Another Jurisdiction

Va. Code Ann. 44-153

Firefighter

When Virginia firefighters are engaged in providing aid inside Virginia, the firefighters enjoy the same powers, duties, rights, privileges and immunities as the firefighters would otherwise have in their home town.

Workers' Benefits: State Employee Volunteer Leave

Va. Code Ann. 2.2-2821.2

A state employee can volunteer with a volunteer fire department or volunteer emergency medical services agency for up to 24 hours per year. This 24 hour period will count as paid leave for the individual.

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

Workers? Compensation: Volunteer Firefighter

Va. Code Ann. 27-41

A volunteer firefighter who is injured or killed while fighting a fire, responding to a fire, or returning from the scene of a fire is entitled to workers? compensation from Virginia municipalities.

Firefighter

Workers? Compensation: Off-Duty First Responder in State of Emergency

Va. Code Ann. 65.2-104

When an emergency declaration is in effect, a first responder who responds to a mobilization order and travels to the first responder?s work location will be entitled to the same workers? compensation as would be available if the first responder were at work.

Volunteer / Other, Law Enforcement

Relevant Compacts

Interstate Civil Defense and Disaster Compact

Nurse Licensure Compact

Recognition of Emergency Medical Services Personnel Licensure Interstate Compact

Emergency Management Assistance Compact