

## Displaying information for All Roles located in West Virginia for All Scenarios

### Good Samaritan Law

W. Va. Code 55-7-15

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 without compensation, provides emergency care at the scene of an emergency or scene of a crime will not be held legally responsible for acting or failing to act.

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: Using Vehicle as Ambulance

W. Va. Code 16-4C-7

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

An individual who operates a vehicle, out-of-state ambulance, or aircraft as an ambulance to transport patients during a catastrophe where local ambulance services are overwhelmed will not be held legally responsible. Operators of vehicles or aircraft not normally used to transport patients, including those employed for rescue operations, will also not be held legally responsible.

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### Liability: Administering Epi Pen

W. Va. Code 16-50-5

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

An individual trained to recognize the symptoms of an allergic reaction and administer an epi-pen to an individual they believe, in good faith, is suffering an allergic reaction will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### Liability: Persons Providing Public Shelters

W. Va. Code 15-5-12

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

An individual who, voluntarily and without compensation, permits the use of the individual's property during a training activity, actual disaster, or threatened disaster will not be held legally responsible for injury, death, or damage to property that occurs on the premises. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

**Liability: Misuse of State Purchasing Card**

W. Va. CSR 155-7-3

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 West Virginia Board of Public Works can authorize the use of a State Purchasing Card for emergency management or response personnel. Emergency management or response personnel can use this card to pay for certain transactions while the emergency declaration remains in effect and must keep a detailed statement of transactions. An individual using the card after the termination of the emergency declaration or using the card improperly can be held legally responsible.

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**Liability: Use of AED**

W. Va. Code 16-4D-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 and without compensation, provides emergency medical care using an AED will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness.

The individual must notify emergency medical service and must have previously received training.

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**Liability: Failure to Obtain Consent**

W. Va. Code 16-4C-17

Other medical professional, EMT

Emergency service personnel providing care to an individual who is unable to consent will not be held legally responsible solely on the basis of failing to obtain consent.

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**Liability: Forcible Entry Following 911 Call**

W. Va. Code 55-7-26

Other medical professional, EMT, Firefighter, Law Enforcement

A first responder who forcibly enters a home or other structure in response to a 911 call will not be held legally responsible as long as there is a documented 911 call for medical assistance, the first responder tries but fails to get the attention of the occupant of the home, and the first responder believes, in good faith, that the forcible entry is necessary to provide emergency aid.

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**Liability: Landowners Allowing Gleaning of Donations**

W. Va. Code 55-7D-4

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

An individual who allows the collection of donations on the individual's property will not be held legally responsible for any injury or death that results to a third party on the property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

**Liability: Assistance or Advice During Hazardous Substance Discharge**

W. Va. Code 55-7-17

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

An individual trained to respond to hazardous substance emergencies in West Virginia who, in good faith and without compensation, provides advice or assistance at the scene of an actual or threatened discharge of a hazardous substance will not be held legally responsible for acting or failing to act. They can be held legally responsible if they caused the discharge of hazardous substance.

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**Liability: Individual Engaged in Removal of Oil Following Discharge**

W. Va. Code 22-22A-3

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

An individual providing care, assistance, or advice in an oil spill cleanup will not be held legally responsible for acting or from failing to act. They can be held legally responsible if the individual is responsible for the discharge of oil, causes personal injury or wrongful death, or acts with extreme carelessness or intent to cause harm.

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**Liability: Health Care Provider Administering Opioid Antagonist**

W. Va. Code 16-45-5(a)

Other medical professional, Nurse, Physician, EMT, Pharmacist

A licensed health care provider who is permitted to prescribe opioid antagonists and does prescribe, dispense, or distribute an opioid antagonist will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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**Liability: Dispensing or Refusing to Dispense Opioid Antagonist**

W. Va. Code 16-45-5(e)

Pharmacist

A pharmacist or pharmacist intern who, in good faith, dispenses or refuses to dispense an opioid antagonist will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

**Liability: Administering Opioid Antagonist**

W. Va. Code 16-45-5(c)-(d)

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

An individual in possession of an opioid antagonist and administers the opioid antagonist to a person they believe, in good faith, is suffering from an opioid-related overdose will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm. The individual must seek immediate medical treatment for the person suspected of overdosing.

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**Liability: Prescription Drug Administration by Health Care Provider**

W. Va. Code 55-7-23

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

A health care provider who prescribes or uses a drug in accordance with FDA guidelines will not be held legally responsible for acting or for failing to act while prescribing or using the drug. They can be held legally responsible if acting with intent to cause harm, if they knew the drug is unsafe, or if they ignore a public announcement by the drug manufacturer regarding a change in the way the drug is to be administered.

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**Powers, Duties, Rights, Privileges and Immunities: Mobile Support Workers Providing Aid in Another Jurisdiction**

W. Va. Code 15-5-7

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

When an emergency declaration is in effect, an individual who is a member of a mobile support unit established by the governor and who is performing activities related to emergency services in any state will have the same powers, duties, rights, privileges and immunities as would be enjoyed in West Virginia.

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**Qualified Emergency Service Workers During State of Emergency**

W. Va. Code 15-5-11

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, a qualified emergency service worker who lawfully engages in activities related to emergency services in West Virginia will not be held legally responsible. They can be held legally responsible if acting with intent to cause harm.

They are not required to have a license to practice certain skills.

They have the same rights, responsibilities, and entitlements in West Virginia as would be enjoyed in the emergency service worker's own state when performing activities related to emergency services.

### **Liability: Donation of Food**

W. Va. Code 55-7D-3

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, donates food or groceries to a nonprofit organization will not be held legally responsible for any injury or death that results, as long as the individual does not act or fail to act in a way that would amount to extreme carelessness or an intention to cause harm.

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### **Emergency License: Elevator Mechanic and Accessibility Technician**

W. Va. CSR 42-21A-10

Volunteer / Other

When an emergency declaration is in effect and current personnel supply is insufficient to meet demand, an elevator contractor can request that an individual certified by the contractor be granted an emergency elevator mechanic license or an emergency accessibility technician license to perform elevator work or accessibility equipment work without direct supervision. An emergency elevator mechanic license and an emergency accessibility technician license are valid for 30 days. The individual must formally apply for the license within 5 days of commencing work under either type of license.

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### **Providing Emergency Medical Services Across State Lines**

W. Va. Code 16-4C-20

Other medical professional

If an individual is a member of a state with a reciprocity agreement with West Virginia and provides emergency medical services, that individual and/or the individual's employer can enter into and renew service contracts to provide emergency medical care across state lines. If there is a reciprocity agreement in place, individual certification of emergency medical personnel is not required to provide services to West Virginia citizens.

**Temporary Emergency Medical Service Personnel Certificate**

W. Va. Code 16-4C-8(h)

Other medical professional, EMT

The Commissioner of the West Virginia Bureau for Public Health can issue a temporary emergency medical service personnel certificate to an individual without an examination if it serves the public interest. The certificate lasts 120 days and can only be renewed on the Commissioner's discretion.

**Emergency License: Insurance Adjuster**

W. Va. CSR 114-25-4

Volunteer / Other

When an insurance emergency declaration is in effect, an insurer can request for emergency adjuster licenses to be issued to specifically identified individuals. An emergency adjuster license is valid for 120 days.

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**Power to Detain Suspected Infected Vessels and Trains**

W. Va. Code 16-3-3

Government Public Health

An employee or agent of the West Virginia Department of Health can detain a ship or train from arriving at its destination in West Virginia if there is reason to believe that a failure to do so would result in the spread of a communicable disease.

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**Scope of Practice: Pharmacist Administering Epi Pen in Emergencies**

W. Va. CSR 15-12-7

Pharmacist

A pharmacist or pharmacy intern authorized to administer immunizations can administer epinephrine in an emergent allergic reaction.

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## **Workers? Benefits: Disaster Service Volunteer**

W. Va. Code 15-5-15a

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

Upon request from the American Red Cross and with approval of their immediate supervisor, a state employee who is a certified disaster service volunteer can obtain paid leave from their place of employment for up to 15 days per year to participate in disaster relief services with the American Red Cross. They will not lose annual leave time, sick leave time, earned overtime, seniority, or compensatory time as a result of volunteering. They are entitled to regular compensation during their volunteer service.

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## **Workers? Benefits: Volunteer Firefighter and EMS**

W. Va. Code 21-5-17

EMT, Firefighter

An employee who is a volunteer firefighter or emergency medical service attendant and who responds to an emergency call prior to the beginning of the workday at their regular place of employment will not be terminated by their employer as a result of their volunteering, but they could lose accumulated leave time and pay for the amount of the time they missed. The employer can request a written statement from the chief or other supervisor of the volunteer fire department verifying the employee's volunteer service.

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## **Relevant Compacts**

Interstate Medical Licensure Compact  
Emergency Management Assistance Compact