

Liability: Health Care Practitioners Serving as MRC Volunteers

Utah Code Ann. 58-13-2(2)-(5)

When an emergency declaration is in effect, certain licensed health care providers who are members of the Medical Reserve Corp and who, in good faith, without compensation, and without obligation, carry out the investigation of suspected bioterrorism implement measures to control the cause of an epidemic or the attempts to mitigate other conditions affecting the public's health will not be held legally responsible.

Emergency care rendered by licensee

(1) A person licensed under Title 58, Occupations and Professions, to practice as any of the following health care professionals, who is under no legal duty to respond, and who in good faith renders emergency care at the scene of an emergency gratuitously and in good faith, is not liable for any civil damages as a result of any acts or omissions by the person in rendering the emergency care:

- (a) osteopathic physician;
- (b) physician and surgeon;
- (c) naturopathic physician;
- (d) dentist or dental hygienist;
- (e) chiropractic physician;
- (f) physician assistant;
- (g) optometrist;
- (h) nurse licensed under Section 58-31b-301 or 58-31c-102;
- (i) podiatrist;
- (j) certified nurse midwife;

- (k) respiratory care practitioner;
- (l) pharmacist, pharmacy technician, and pharmacy intern;
- (m) direct-entry midwife licensed under Section 58-77-301; or
- (n) veterinarian.

(2) This Subsection (2) applies to a health care professional:

(a)

- (i) described in Subsection (1); and
- (ii) who is under no legal duty to respond to the circumstances described in Subsection (3);

(b) who is:

(i)

- (A) activated as a member of a medical reserve corps as described in Section 26A-1-126 during the time of an emergency or declaration for public health related activities as provided in Subsection 26A-1-126(2); or
- (B) participating in training to prepare the medical reserve corps to respond to a declaration of an emergency or request for public health related activities pursuant to Subsection 26A-1-126(2);

(ii) acting within the scope of:

- (A) the health care professional's license; or
- (B) practice as modified under Subsection 58-1-307(4) or Section 26A-1-126; and

(iii) acting in good faith without compensation or remuneration as defined in Subsection 58-13-3(2); or

(c) who is acting as a volunteer health practitioner under Title 26, Chapter 49, Uniform Emergency Volunteer Health Practitioners Act.

(3) A health care professional described in Subsection (2) is not liable for any civil damages as a result of any acts or omissions by the health care professional in rendering care as a result of:

(a) implementation of measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A,

Chapter 1, Local Health Departments;

(b) investigating and controlling suspected bioterrorism and disease as set out in Title 26, Chapter 23b,

Detection of Public Health Emergencies Act; and

(c) responding to a national, state, or local emergency, a public health emergency as defined in Section 26-23b-102, or a declaration by the President of the United States or other federal official requesting public health-related activities.

(4) The immunity in Subsection (3) is in addition to any immunity or protection in state or federal law that may apply.

(5) For purposes of Subsection (2)(b)(iii) remuneration does not include:

(a) food supplied to the volunteer;

(b) clothing supplied to the volunteer to help identify the volunteer during the time of the emergency; or

(c) other similar support for the volunteer.