



Emergency Volunteer Toolkit

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ASTHO LEGAL PREPAREDNESS SERIES EMERGENCY VOLUNTEER TOOLKIT

Supplemental Materials

The supplemental materials compilation lists key documents and additional resources about the issues raised in the Emergency Volunteer Toolkit. The documents listed are for reference purposes only and are *not* a complete listing of resources available on the issue. Individual users are responsible for researching the current text of laws, statutes, regulations, and other materials. The document lists bibliographical information and, where available, online links to the resources. All links are current as of Jan. 29, 2013. Please report broken links to ASTHO at communications@astho.org.

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General Resources and Compilations

Governmental

CDC. Public Health Law program. "Selected Federal Legal Authorities Pertinent to Public Health Emergencies." September 2009. Available at <http://www.cdc.gov/phlp/docs/ph-emergencies.pdf>.

HHS Office of the Assistant Secretary for Preparedness and Response. "Legal Authority and Related Guidance." Available at <http://www.phe.gov/Preparedness/planning/authority/Pages/default.aspx>.

HHS Office of the Assistant Secretary for Preparedness and Response. "Legal Authority of the Secretary." Available at <http://www.phe.gov/preparedness/support/secauthority/Pages/default.aspx>.

Lister, SA. Congressional Research Service. The Public Health and Medical Response to Disasters: Federal Authority and Funding. Aug. 1, 2008. Available at http://digital.library.unt.edu/ark:/67531/metacrs9495/m1/1/high_res_d/RL33579_2006Jul28.pdf.

Swendiman, KS and Jones, NL. Congressional Research Service. The 2009 Influenza Pandemic: Selected Legal Issues. June 15, 2009. Available at http://digital.library.unt.edu/ark:/67531/metadc26152/m1/1/high_res_d/R40560_2009Jun15.pdf.

Other Sources

American Health Lawyers Association. "Emergency Preparedness Toolkit." May 4, 2010. Available at <http://www.healthlawyers.org/Members/PracticeGroups/THAMC/EmergencyPreparednessToolkit/Pages/default.aspx>.

The Network for Public Health Law. "Emergency Legal Preparedness and Response." Available at https://www.networkforphl.org/topics_resources/topics_resources/emergency_legal_preparedness_and_response/.

Emergency Management Assistance Compact

Public Law, Statute and Regulations

Emergency Management Assistance Compact. Pub. L. No. 104-321. (110 STAT. 3877). Available at <http://www.gpo.gov/fdsys/pkg/PLAW-104publ321/pdf/PLAW-104publ321.pdf>.

Other Resources

National Emergency Management Association. "Emergency Management Assistance Compact." Available at <http://www.emacweb.org/>.

Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP)

Reports

The Centers for Law & the Public's Health. Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP) — Legal and Regulatory Issues. May 2006. <http://www.publichealthlaw.net/Research/PDF/ESAR%20VHP%20Report.pdf>.

Toolkits

The Centers for Law & the Public's Health. Legal and Regulatory Issues Concerning Volunteer Health Professionals in Emergencies: Advanced Tool Kit. April 2007. Available at <http://www.publichealthlaw.net/Research/PDF/ESAR%20VHP%20Toolkit.pdf>.

Entity Liability

Other Resources

North Carolina Institute for Public Health. Good Samaritan Entity Liability Protection Initiative. Available at http://nciph.sph.unc.edu/law/good_sam.htm.

The Network for Public Health Law. Legal Issues Relevant To Private Entities Serving As Closed Points Of Dispensing (Closed PODs) In Emergencies. Available at: http://www.networkforphl.org/_asset/2tsy0t/Closed-PODS-legal-issue.pdf.

Federal Employee Compensation Act (FECA)

Public Law, Statute and Regulations

Federal Employee Compensation Act, as amended. Codified at 5 U.S.C. §§ 8101 – 8193. Available at <http://www.law.cornell.edu/uscode/text/5/part-III/subpart-G/chapter-81>.

Other Resources

United States Department of Labor. The Federal Employees' Compensation Act (FECA). Available at <http://www.dol.gov/compliance/laws/comp-feca.htm>.

Federal Tort Claims Act (FTCA)

Public Law, Statute and Regulations

Federal Tort Claims Act, as amended. Codified at 28 U.S.C. §§1346(b), 2671-2680. Available at <http://origin.www.gpo.gov/fdsys/pkg/USCODE-2009-title28/pdf/USCODE-2009-title28-partIV-chap85-sec1346.pdf>.

Offices/Programs/Activities

HRSA. "FTCA for Health Centers: Key Resource in Supporting Quality Care." Available at <http://bphc.hrsa.gov/ftca/>.

Other Resources

The Law, Science & Public Health Law. Federal Tort Claims Act (FTCA). Available at <http://biotech.law.lsu.edu/cases/immunity/ftca.htm>.

The Law, Science & Public Health Law. Codified at 28 USC § 2680. "Exceptions to the Federal Tort Claims Act." Available at http://biotech.law.lsu.edu/cases/immunity/ftca_exceptions.htm.

Good Samaritan Laws

Other Resources

The Centers for Law & the Public's Health. Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP) — Legal and Regulatory Issues. APPENDIX D. Good Samaritan Statutes in ESAR-VHP Phase I-III States. May 2006. <http://www.publichealthlaw.net/Research/PDF/ESAR%20VHP%20Report.pdf>

HHS Office of the Assistant Secretary for Preparedness and Response (ASPR)

Offices/Programs/Activities

HHS Office of the Assistant Secretary for Preparedness and Response website. Available at <http://www.phe.gov/preparedness/support/secauthority/Pages/default.aspx>.

Interstate Civil Defense and Disaster Compact

Reports

National Center for Interstate Compacts. "Interstate Civil Defense and Disaster Compact." Available at <http://apps.csg.org/ncic/Compact.aspx?id=34>.

Nurse Licensure Compact

Reports

National Council of State Boards of Nursing. "Nurse Licensure Compact." Available at <http://www.ncsbn.org/nlc.htm>.

Pandemic and All-Hazards Preparedness Act (PAHPA)

Public Law, Statute and Regulations

Pandemic and All-Hazards Preparedness Act of 2006. Pub. L. No. 109-417. (120 STAT. 2831). Available at <http://www.gpo.gov/fdsys/pkg/PLAW-109publ417/pdf/PLAW-109publ417.pdf>.

Codified, in part, in the Public Health Service Act, 42 U.S.C. 201 et seq. Available at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap6A.pdf>.

Summaries of Law, Statute and Regulations

HHS. "Pandemic and All Hazards Preparedness Act." Available at: <http://www.phe.gov/Preparedness/legal/pahpa/Pages/default.aspx>.

Lister, SA and Gottron, F. Congressional Research Service. The Pandemic and All-Hazards Preparedness Act (P.L. 109-417): Provisions and Changes to Preexisting Law. March 12, 2007. Available at <http://www.fas.org/programs/bio/resource/documents/CRS%20-%20PAHPA%203-07.pdf>.

Offices/Programs/Activities

HHS Assistant Secretary for Preparedness and Response website. Available at <http://www.phe.gov/preparedness/pages/default.aspx>.

HHS Status Reports on PAHPA Implementation

HHS Assistant Secretary for Preparedness and Response. Pandemic and All-Hazards Preparedness Act – Public Law 109-417 – Progress Report. November 2007. Available at <http://healthyamericans.org/reports/bioterror07/PAHPAProgressReport.pdf>.

HHS Assistant Secretary for Preparedness and Response. Pandemic and All-Hazards Preparedness Act – Public Law 109-417 – Progress Report on the Implementation of Provisions Addressing At-Risk Individuals. August 2008. Available at <http://www.phe.gov/Preparedness/legal/pahpa/Documents/pahpa-at-risk-report0901.pdf>.

HHS Assistant Secretary for Preparedness and Response. Pandemic and All-Hazards Preparedness Act – Public Law 109-417 – Telehealth Report to Congress. January 2009. Available at <http://www.phe.gov/Preparedness/legal/pahpa/Documents/telehealthrtc-091207.pdf>.

Public Health Service (PHS) Act, Section 319 - Authorities Related to Public Health Emergencies

Public Law, Statute and Regulations

PHS Act Sec. 319. Codified at 42 U.S.C. § 247d. Available at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/html/USCODE-2009-title42-chap6A-subchapII.htm>.

Public Readiness and Emergency Preparedness Act (PREP Act)

Public Law, Statute and Regulations

Public Readiness and Emergency Preparedness Act of 2005. Pub. L. No. 109-417 (120 STAT. 2831). Available at <http://www.gpo.gov/fdsys/pkg/PLAW-109publ417/pdf/PLAW-109publ417.pdf>.

Codified in the PHS Act at 42 U.S.C. §§ 247d-6d, 247d-6e. Available at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/html/USCODE-2009-title42-chap6A-subchapII.htm>.

Offices/Programs/Activities

HHS. “Public Readiness and Emergency Preparedness Act.” Available at <http://www.phe.gov/Preparedness/legal/prepact/Pages/default.aspx>.

HHS. “Public Readiness and Emergency Preparedness Act: Questions and Answers.” Available at <http://www.phe.gov/Preparedness/legal/prepact/Pages/prepqa.aspx>.

Public Readiness and Emergency Preparedness Act (PREP) Act Declarations

Current and Expired PREP Act Declarations:

<http://www.phe.gov/Preparedness/legal/prepact/Pages/default.aspx>.

Current Declarations

Amendment to Pandemic Influenza Vaccine (to add additional provisions). March 1, 2010. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2010-03-05/html/2010-4644.htm>.

Original Declaration and Past Amendments:

- Amendment to H5N1 Pandemic Influenza Vaccine (to add H7 and H9). Nov. 21, 2007. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2007-11-30/html/07-5884.htm>.
- Amendment to Pandemic Influenza Vaccine (to add H2, H6, H7, H9). Oct. 17, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2007-11-30/html/07-5884.htm>.
- Amendment to H5N1 Pandemic Influenza Vaccine (to add H1N1). June 15, 2009. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2007-11-30/html/07-5884.htm>.
- Amendment to H5N1 Pandemic Influenza Vaccine (to add additional provisions). Sept. 28, 2009. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2009-10-05/html/E9-23844.htm>.
- H5N1 Pandemic Influenza Vaccine. Jan. 26, 2007. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2007-02-01/html/E7-1635.htm>.

Anthrax Countermeasures. Oct. 1, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-06/html/E8-23547.htm>.

Botulism Countermeasures. Oct. 17, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-17/html/E8-24734.htm>.

Pandemic Antiviral Countermeasures. Oct. 17, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-17/html/E8-24733.htm>.

Amendment to Pandemic Antiviral Countermeasures (to add H1N1). April 26, 2009. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2009-06-19/html/E9-14412.htm>.

Smallpox Countermeasures. Oct. 17, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-17/html/E8-24737.htm>.

Acute Radiation Syndrome Countermeasures. Oct. 17, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-17/html/E8-24737.htm>.

Pandemic Influenza Diagnostics, Personal Respiratory, Protection Devices and Respiratory Support Devices. Dec. 22, 2008. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2008-12-22/html/E8-30510.htm>.

Expired Declarations

Influenza Antiviral Peramivir. Sept. 28, 2009. PREP Act declaration. Available at <http://www.gpo.gov/fdsys/pkg/FR-2009-10-02/html/E9-23761.htm>. Expired June 1, 2010.

Uniform Emergency Volunteer Health Practitioners Act (UEVHPA)

Public Law, Statute and Regulations

Uniform Law Commission. "Emergency Volunteer Health Practitioners Act." Available at <http://www.uniformlaws.org/Act.aspx?title=Emergency%20Volunteer%20Health%20Practitioners>.

Volunteer Liability

Guidance Documents

The Centers for Law & the Public's Health. Legal and Regulatory Issues Concerning Volunteer Health Professionals in Emergencies: Advanced Tool Kit. April 2007. Available at <http://www.publichealthlaw.net/Research/PDF/ESAR%20VHP%20Toolkit.pdf>.

Citizens Corps. Volunteers Liability Guide: An Overview of Legal Issues and Approaches to Address Liability for Emergency Volunteers. Available at http://www.citizencorps.gov/downloads/pdf/Citizen_Corps_Volunteer_Liability_Guide.pdf.

Presentations

The Network for Public Health Law. Liability Risks and Protections for Volunteer Health Practitioners in Emergencies. November 2010. Available at http://www.networkforphl.org/_asset/5ywwc8/Western-Region---VHP-Liability-Webinar-12-2.pdf.

Reports

Chu, VS. Congressional Research Service. Emergency Response: Civil Liability of Volunteer Health Professionals. Jan. 19, 2011. Available at <http://www.fas.org/sgp/crs/misc/R40176.pdf>.

Summaries of Law, Statutes and Regulations

Nonprofit Risk Management Center. State Liability Laws for Charitable Organizations and Volunteers. Available at <http://www.nonprofitrisk.org/downloads/state-liability.pdf>.

Volunteer Organizations

Other Resources

American Red Cross. Available at <http://www.redcross.org/>.

Citizens Corps. Available at <http://www.citizencorps.gov/index.shtm>.

Community Emergency Response Team. Available at <http://www.citizencorps.gov/cert/index.shtm>.

Medical Reserve Corps. Available at <http://www.medicalreservecorps.gov/HomePage>

Volunteer Protection Act

Public Law, Statute and Regulations

Volunteer Protection Act of 1997. Pub. L. No. 105-19. Codified at 42 U.S.C. §§ 14501. Available at <http://www.gpo.gov/fdsys/pkg/PLAW-105publ19/pdf/PLAW-105publ19.pdf>.

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