



ASTHO LEGAL PREPAREDNESS SERIES
EMERGENCY VOLUNTEER TOOLKIT

State Analysis Guide
Emergency Volunteers

This *State Analysis Guide* is intended to assist state health agency staff and legal counsel in locating and analyzing their state's laws, rules, policies, and implementation plans addressing emergency volunteer issues. Specifically, the guide helps users evaluate issues of volunteer registration and verification, liability and immunity, and workers' compensation and disability.

Space is provided on the document to insert references or summaries of appropriate state or local authorities. Because each state's law is unique, this guide may not identify all issues that arise in the course of analyzing your state's law. **The language and requirements of specific state/local laws, regulations, ordinances, rules, policies, guidance, case law, and other sources of legal authority overrule this general analysis guide in all instances. This resource is for informational purposes only and is not intended as a substitute for professional legal or other advice.**

Issues for Analysis	State/Local Information
Types of Volunteers	
Identify state law(s) that establish government-based emergency volunteer program(s).	
Identify state law(s) that provides liability protections or injury benefits to emergency volunteers.	
Identify state law(s) that apply to business and nonprofit volunteers.	
Registration and Verification of Volunteers	

Issues for Analysis	State/Local Information
Identify the registration, verification, and credentialing systems your jurisdiction uses to recruit and mobilize volunteers and identify the laws, regulations, orders, and policies governing them.	
State ESAR-VHP program.	
Medical Reserve Corp program.	
Other registration systems (e.g., American Red Cross, etc.).	
Identify state law that providing liability protections to registered volunteers.	
Identify those regulated professions with the existing authorized scopes of practice to perform required tasks during a public health emergency (e.g., vaccinate, write prescriptions, provide airway support, etc.). Note any specific medical control, supervision, or training requirements.	
Physicians.	
Nurses.	
Emergency medical services (e.g., EMT, paramedics).	
Pharmacists.	
Behavioral and mental health providers.	
Dentists.	
Veterinarians.	

Issues for Analysis		State/Local Information
	Laboratorians.	
	Sanitarians and environmental health specialists.	
	Other medical care providers (e.g., physicians assistants, respiratory therapists, etc.).	
	Other regulated professions (e.g., engineers, architects, etc.).	
Identify the licensing, credentialing, and privileging requirements for regulated professions.		
	Physicians.	
	Nurses.	
	Emergency medical services (e.g., EMT, paramedics).	
	Pharmacists.	
	Behavioral and mental health providers.	
	Dentists.	
	Veterinarians.	
	Laboratorians.	
	Sanitarians and environmental health specialists.	

Issues for Analysis		State/Local Information
	Other medical care providers (e.g., physicians assistants, respiratory therapists, etc.).	
	Other regulated professions (e.g., engineers, architects, etc.).	
Identify the waiver and reciprocity mechanisms for the licensing, credentialing, and privileging requirements for regulated professions.		
	Authorized by statute, regulation, or executive order.	
	Emergency declaration required?	
	Compact (e.g., Nurse Licensure Compact).	
	Mutual aid agreement(s).	
	Memorandum of understanding.	
Liability and Immunity Issues		
Identify laws, regulations, etc., that allow for immunity from liability.		
	Immunity <i>without</i> a declared emergency?	
	Immunity with a declared emergency?	

Issues for Analysis		State/Local Information
	Volunteer health professionals. Has state adopted in whole or part of the Uniform Emergency Volunteer Health Practitioners Act? Does state have separate provisions for volunteer health professionals?	
	Non-health professional volunteers.	
	State tort claims act.	
	Law protecting entity or organization from liability.	
Identify state Good Samaritan law.		
Identify state volunteer protection law and review federal Volunteer Protection Act.		
Identify the liability potential of self-deployed volunteers.		
Identify state law(s) that provides liability protections or injury benefits to emergency volunteers.		
Determine if volunteer's activity is protected from liability under the Public Readiness and Emergency Preparedness Act.		
Workers' Compensation and Disability		
Identify state law(s) that establishes workers' compensation.		
	Do they apply to volunteers?	

Issues for Analysis		State/Local Information
	Who is the volunteer?	
	What organization is the volunteer affiliated with?	
	Which state's workers' compensation law applies?	
	What if the volunteer was deployed to another state?	
	Can the volunteer be deemed an "employee"?	
	Who would be considered the "employer" during the deployment?	
	Who was the scope of the volunteer's responsibilities?	
Identify state and federal compensation fund laws and programs.		
Identify your state's role under the Emergency Management Assistance Compact.		
	Is your state an assisting state or requesting state?	
Sick leave and disability insurance.		
	Can paid sick leave be applied?	
	Does disability insurance cover injury sustained during an emergency response?	

Issues for Analysis		State/Local Information
	Laboratorians.	
	Sanitarians and environmental health specialists.	
	Other medical care providers (e.g., physicians assistants, respiratory therapists, etc.).	
	Other regulated professions (e.g., engineers, architects, etc.).	

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