

Minnesota Responds Medical Reserve Corps (MRC) Volunteer Protections

Minnesota Laws 2008 – Chapter 202

Description

Minnesota Laws 2008 Chapter 202 amends the Local Public Health Act, Minnesota Statutes Chapter 145A, to recognize a new type of health disaster volunteer. The added language provides these volunteers with state liability and workers' compensation coverage when deployed outside their home jurisdiction by the commissioner of health. Corresponding changes were also made to the Workers' Compensation Law, Minnesota Statutes Chapter 176, and Interstate Compact statutes in Minnesota Statutes Chapter 192.

Minnesota Responds Medical Reserve Corps

Medical Reserve Corps (MRC) members are medical and non-medical professionals skilled and trained in emergency or disaster response. They are recruited by local jurisdictions, healthcare facilities, the University of Minnesota, professional associations and by other emergency response partners. The commissioner of health may mobilize MRC volunteers to provide disaster mental health and medical assistance.

Background

The Minnesota Department of Health (MDH) maintains the statewide Internet-based volunteer registry system, providing central coordination for health volunteers managed and deployed by local jurisdictions and other disaster response entities.

Local coordinators provide training, support and oversight so volunteers are prepared and ready to go when needed. MDH uses nationally prescribed standards to verify credentials, assure current licensure, and manage skill-based information. This enables MDH to exchange information with other states' programs when MRC volunteers are asked to assist other states or when volunteers from other states are being deployed to our state.

The Minnesota Responds MRC program has grown to over 7,000 volunteer participants from across the state.

Recent disasters have highlighted inconsistencies in volunteer protections leading to uncertainty among volunteers and local coordinators. Difficulties in recruiting and deploying non-government health volunteers have also hindered our preparedness for emergencies within and outside Minnesota. This law removes significant barriers to effective volunteer participation.

New protections

This law provides *liability coverage* and defense for MRC volunteers in two ways:

1. Within the state, MRC volunteers deployed by the commissioner will have the same liability protections as a state employee.
2. When deployed outside of Minnesota, MRC volunteers will be eligible for the Emergency Management Assistance Compact (EMAC) liability protections. This 50-state compact makes volunteer liability the responsibility of the requesting state.

The proposal will also provide *workers' compensation benefits*, including medical treatment when injured, for MRC volunteers whether deployed in Minnesota or to another state. Subject to the income loss limits of the workers' compensation law, the proposal includes the choice of income replacement benefits based upon current employment or upon the designated volunteer role.

Workers compensation insurance has been purchased by MDH to cover the MRC volunteers through the Risk Management Division of the Department of Administration.



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Impact

Eighty percent of health care providers in Minnesota work outside of government and are not currently a resource for government mutual aid. These persons are often not covered by their own insurance if deployed through the MRC program.

Prior to Hurricane Katrina in 2005, about 300 healthcare workers were registered in the Minnesota Responds MRC system. A surge of over 2,000 healthcare workers signed up in late 2005 and another surge signed up following the 2007 disasters in Minnesota. People want to volunteer during a disaster, but recognize they need clear liability and workers' compensation protections because of the inherent dangers in deployment during disasters. This law helps eliminate the barriers to volunteer participation arising from uncertain or inadequate liability and workers' compensation coverage.

Local vs. state coverage for volunteers

To clarify questions raised by local jurisdictions, this law provides state coverage for health volunteers when the commissioner of health requests the volunteers to assist outside their home jurisdiction. It does not provide state coverage if they are deployed by a local jurisdiction to a local event.

When a local jurisdiction activates their Minnesota Responds MRC volunteers, they would be covered for liability and workers' compensation under the local jurisdiction. If the commissioner of health is requesting the volunteers (whether to be deployed within Minnesota, to another state through the EMAC, or to Canada), then the state workers' compensation and liability protections would apply, just as if the volunteer were a state employee.

Requests to the commissioner for health volunteers

When the commissioner of health receives a request for volunteers, the commissioner will determine whether deploying Minnesota Responds MRC volunteers from outside the requesting jurisdiction is in the public interest. If so, the commissioner

may ask for Minnesota Responds MRC volunteers to respond to the request. A Minnesota Responds MRC volunteer responding to a request for assistance at the call of the commissioner is considered an employee of the state for purposes of workers' compensation, tort claim defense and indemnification. Resolving an ambiguity on volunteer protection that has existed in both emergency management and workers' compensation laws, this law makes clear that the state protections continue for the MRC volunteer even when immediate direction and control of the volunteer's work comes from a hospital, clinic, alternate care site, or other provider.

This bill was signed into law April 18, 2008.

Contact information

For questions about this fact sheet or for additional information regarding the Minnesota Responds Medical Reserve Corps contact:

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