

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1490*

Short Title: Liability Protection for State Med Asst Teams. (Public)

Sponsors: Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw, and Snow.

Referred to: Rules and Operations of the Senate.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE LIABILITY PROTECTION AND WORKERS'
2 COMPENSATION FOR HEALTH CARE WORKERS WHEN RESPONDING TO
3 IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL
4 JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 166A-14 reads as rewritten:

7 **"§ 166A-14. Immunity and exemption.**

8 (a) All functions hereunder and all other activities relating to emergency
9 management are hereby declared to be governmental functions. Neither the State nor
10 any political subdivision thereof, nor, except in cases of willful misconduct, gross
11 negligence or bad faith, any emergency management worker complying with or
12 reasonably attempting to comply with this Article or any order, rule or regulation
13 promulgated pursuant to the provisions of this Article or pursuant to any ordinance
14 relating to any emergency management measures enacted by any political subdivision
15 of the State, shall be liable for the death of or injury to persons, or for damage to
16 property as a result of any such activity.

17 (b) The rights of any person to receive benefits to which ~~he~~ the person would
18 otherwise be entitled under this Article or under the Workers' Compensation Law or
19 under any pension law, nor the right of any such person to receive any benefits or
20 compensation under any act of Congress shall not be affected by performance of
21 emergency management functions.

22 (c) Any requirement for a license to practice any professional, mechanical or
23 other skill shall not apply to any authorized emergency management worker who shall,
24 in the course of performing his ~~the worker's~~ duties as such, practice such professional,
25 mechanical or other skill during a state of disaster.
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1 (d) As used in this section, the term "emergency management worker" shall
2 include any full or part-time paid, volunteer or auxiliary employee of this State or other
3 states, territories, possessions or the District of Columbia, of the federal government or
4 any neighboring country or of any political subdivision thereof or of any agency or
5 organization performing emergency management services at any place in this State,
6 subject to the order or control of or pursuant to a request of the State government or any
7 political subdivision thereof. The term "emergency management worker" under this
8 section shall also include a any health care worker performing health care services as a
9 member of a hospital-based or county-based State Medical Assistance Team and any
10 person performing emergency health care services under G.S. 90-12.2.

11 (e) Any emergency management worker, as defined in this section, performing
12 emergency management services at any place in this State pursuant to agreements,
13 compacts or arrangements for mutual aid and assistance to which the State or a political
14 subdivision thereof is a party, shall possess the same powers, duties, immunities and
15 privileges ~~he~~ the person would ordinarily possess if performing ~~his~~ duties in the State,
16 or political subdivision thereof in which normally employed or rendering services."

17 **SECTION 2.** This act is effective when it becomes law.