



## LIMITED LIABILITY PROTECTION

Ohio Revised Code Section 121 404 was repealed effective on July 3, 2012. This change was the result of Ohio EMA and the Ohio Department of Health(ODH) taking over management and administration of the Ohio Responds volunteer database from the Ohio Community Services Council.

Ohio Revised Code Sections 5502.281 and 3701.04 now take the place of Section 121.404 and have essentially the same language. These statutes require that the Ohio Department of Health (ODH) and the Ohio Emergency Management Agency (OEMA) jointly share the responsibilities of the statutes.

The limited liability protection for registered volunteers during an emergency declared by the state or political subdivision or in disaster-related exercises, testing or other training activities) remains the same.

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**ORC 3701.04 (B)** The director (of health), in accordance with Chapter 119 of the Revised Code, shall adopt rules jointly with the executive director of the emergency management agency to do both of the following, as required by section 5502.281 of the Revised Code:

- (1) Advise, assist, consult with and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training and deploying volunteers reasonably necessary to respond to an emergency declared by the state or a political subdivision;
- (2) Establish fees, procedures, standards and requirements necessary for recruiting, registering, training and deploying the volunteers.

**ORC 5502.281 (A)** The executive director of the emergency management agency, jointly with the director of health shall do both of the following:

- (1) Advise, assist, consult with, and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training, and deploying the types of volunteers reasonably necessary to respond to an emergency declared by the state or a political subdivision;
- (2) Establish fees, procedures, standards, and requirements necessary for recruiting, registering, training, and deploying the volunteers as required under this section.

...

(C) A volunteer registered under this section is not liable in damages to any person or government entity in tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim or veterinary claim, for injury, death, or loss to person or property that may arise from an act or omission of that volunteer. This division applies to a registered volunteer while providing services within the scope of the volunteer's responsibilities during an emergency declared by the state or political subdivision or in disaster-related exercises, testing, or other training activities, if the volunteer's act or omission does not constitute willful or wanton misconduct.

(D) As used in this section:

- (1) "Registered volunteer" means any individual registered as a volunteer pursuant to procedures established under this section and who serve without pay or other consideration, other than the reasonable reimbursement or allowance for expenses actually incurred or the provision of incidental benefits related to the volunteer's service, such as meals, lodging, and child care.
- (2) "Political subdivision" means a county, township, or municipal corporation in this state.



## REGISTRATION OF VOLUNTEERS

Congress established The Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP) Program in 2002 which is now administered by the U.S. Department of Health and Human Services (HHS)/ Office of the Assistant Secretary for Preparedness and Response (ASPR).

ESAR-VHP is a national network of state-based systems; here in Ohio that system is the Ohio Responds Volunteer Registry. Ohio Responds established a standardized volunteer registration system to pre-register, manage, and mobilize medical and non-medical volunteers. The purpose of pre-registration is to ensure that volunteer professionals can be quickly identified and their credentials checked. This lends itself to properly deploy volunteers in response to a public health emergency or disaster.

Requirements of Registration in the Ohio Responds Volunteer Registry per Ohio Administrative Code:

**OAC 4501:3-7-01 (A)** To be registered as a volunteer under section 5502.281 of the Revised Code, an individual must:

- (1) Be no less than eighteen years of age;
- (2) Complete the "Volunteer Application" (2017); and
- (3) Be willing to submit to a comprehensive background check administered by the Ohio bureau of criminal investigation or other designated agency;
  - (a) Background checks will be at the discretion of the affiliated registered volunteer organization;
  - (b) During a response incident, a local government authority may also request a background check.

(B) Removal of registered volunteer status. A volunteer shall lose their registered volunteer status if:

- (1) The status was obtained through false or deceitful information;
- (2) The registered volunteer engages in conduct detrimental to the goals and/ or missions of the recognized volunteer organization, or conduct that is inconsistent with an emergency and/or disaster-related exercises, testing, or other training activities; or
- (3) The registered volunteer fails to maintain compliance with any of the requirements under paragraph (A) of this rule.

**PRIVACY PROVISIONS** The volunteer, the local and state program administrators and the contracted administrators of the site have access to information entered into the Ohio Responds. This information will only be used to engage volunteers in activities related to local volunteer programs such as recruitment for assistance during a large-scale disaster or public-health emergency or for volunteer participation in such events as a disaster drill or exercise.

### **ORC 5502.281**

(B) As used in this section

- (1) A registered volunteer's status as a volunteer, and any information presented in summary, statistical or aggregate form that does not identify an individual, is a public record pursuant to section 149.43 of the Revised Code.
- (2) Information related to a registered volunteer's specific and unique responsibilities, assignments, or deployment plans, including but not limited to training, preparedness, readiness, or organization assignment, is a security record for purposes of section 149.433 of the Revised Code.
- (3) Information related to a registered volunteer's personal information, including but not limited to contact information, medical information, or information related to family member or dependents, is not a public record pursuant to section 149.43 of the Revised Code.