Massachusetts Department of Public Health

Volunteers and Liability

LIABILITY PROTECTIONS FOR MRC AND OTHER VOLUNTEERS

Depending on your role and responsibilities, you may be protected by one or more of the following.

1. **Federal Volunteer Protection Act** (42 U.S.C. § 14501)
   You have immunity from (no liability for) negligence if you volunteer for a nonprofit organization or governmental entity. No need for federal funding.
   You must act within the scope of your responsibilities in the organization.
   You must be properly licensed, certified, or authorized to act. Protection is not limited to emergencies.
   You are not protected if the harm occurred through your operation of a motorized vehicle.
   You are not protected for reckless misconduct or gross negligence.

2. **Doctors and Nurses Working in Public Health Programs**
   (Mass. General Laws, chapter 112, § 12C)
   You have immunity from liability in any civil suit for damages if you are a physician or nurse "administering immunization or other protective programs under public health programs" (government programs).
   You can be paid or unpaid.
   Protection is not limited to emergencies.

3. **Protection for EMS Personnel** (Mass. General Laws, chapter 111C, § 21)
   Law protects certified, accredited, or approved EMS personnel when they are on duty and in good faith render first aid, CPR, transportation, or other emergency medical services.

4. **Good Samaritan Laws** (Various provisions of Mass. General Laws)
   Laws protect physicians, nurses, physician assistants, and respiratory therapists from liability when they give emergency care or treatment other than in the ordinary course of practice, in good faith and without charging a fee.
   Another law protects any person, whose regular duties do not include the provision of emergency medical care, from liability when they attempt to render emergency care in good faith and without compensation. They are not protected from acts or omissions that are grossly negligent, willful, or wanton.

5. **Protection for Public Employees** (Mass. Tort Claims Act, General Laws, chapter 258)
   Volunteers are ONLY considered public employees when they are so designated by a government entity, e.g., special (unpaid) municipal employees appointed by the select board or city council.
   Volunteers must be under the direction and control of the government entity and must act within the scope of their official duties. There must be adequate supervision and clear work assignments.

Disclaimer: This information is only a brief outline of liability protections in Massachusetts. It is provided for educational purposes only and is not to be construed as legal advice. Consult your own attorney for legal advice.

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