

HOUSE JOINT RESOLUTION NO. 701

Establishing a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. Report.

Agreed to by the House of Delegates, February 23, 2007

Agreed to by the Senate, February 23, 2007

WHEREAS, health care providers responding during a disaster or a declared emergency may not have access to the same level of resources that are ordinarily available; and

WHEREAS, during an emergency, health care providers must make decisions as to the level of care they can render based upon what resources are available; and

WHEREAS, health care providers may need to render care during an emergency that is outside their scope of practice; and

WHEREAS, a disaster may be declared at the state or local level; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall have a total membership of 13 members that shall consist of eight legislative members, three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members, one of whom shall be an attorney specializing in health care law and one of whom shall be a representative of the Virginia Hospital and Healthcare Association, to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who shall be a licensed physician to be appointed by the Senate Committee on Rules. The Secretary of Health and Human Resources or her designee and the Attorney General of Virginia or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine the estimated benefits to the citizens of the Commonwealth of enhanced liability protections for health care providers as well as determining how many other states provide these kinds of liability protections.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2007 interim, and the direct costs of this study shall not exceed \$8,800 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2007, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2008 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint

Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2007 interim.