

107TH CONGRESS
2^D SESSION

H. R. 4634

To establish certain legal waivers for physicians who provide assistance in the National Capital Area during any period in which a public health emergency is in effect in such Area.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2002

Mrs. MORELLA (for herself, Mr. DUNCAN, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish certain legal waivers for physicians who provide assistance in the National Capital Area during any period in which a public health emergency is in effect in such Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Capital Area
5 Physician Emergency Assistance Act”.

1 **SEC. 2. CERTAIN LEGAL WAIVERS IN NATIONAL CAPITAL**
2 **AREA REGARDING PROVISION OF ASSIST-**
3 **ANCE DURING PUBLIC HEALTH EMER-**
4 **GENCIES.**

5 (a) **DECLARATION BY PRESIDENT.**—If the President
6 declares that a public health emergency is in effect in the
7 National Capital Area, then during the period in which
8 the emergency is in effect, any physician who holds a valid
9 medical license issued by an Area State government—

10 (1) may provide, in any part of such Area,
11 health services to victims of the emergency to the
12 same extent as the physician is authorized to provide
13 health services within the jurisdiction of the Area
14 State government that issued the license, notwith-
15 standing the law of the other Area State govern-
16 ments; and

17 (2) is not liable for any harm caused by any act
18 or omission of the physician in providing, in any
19 part of such Area, health services to victims of the
20 emergency, notwithstanding the law of any of the
21 Area State governments, unless the harm is caused
22 by willful or criminal misconduct, gross negligence,
23 reckless misconduct, or a conscious, flagrant indif-
24 ference to the rights or safety of others.

25 (b) **DECLARATION BY CHIEF EXECUTIVE OFFICIAL**
26 **OF AREA STATE GOVERNMENT.**—

1 (1) MARYLAND.—For any period during which
2 a public health emergency is in effect in an Area
3 portion of the State of Maryland, pursuant to a
4 qualifying declaration by the Governor of Maryland,
5 subsection (a) applies to health services provided
6 within such Area portion by a physician who holds
7 a valid medical license issued by an Area State gov-
8 ernment to the same extent and in the same manner
9 as such subsection would apply within the entire Na-
10 tional Capital Area if the President were to declare
11 a public health emergency for the National Capital
12 Area under such subsection.

13 (2) VIRGINIA.—For any period during which a
14 public health emergency is in effect in an Area por-
15 tion of the State of Virginia, pursuant to a quali-
16 fying declaration by the Governor of Virginia, sub-
17 section (a) applies to health services provided within
18 such Area portion by a physician who holds a valid
19 medical license issued by an Area State government
20 to the same extent and in the same manner as such
21 subsection would apply within the entire National
22 Capital Area if the President were to declare a pub-
23 lic health emergency for the National Capital Area
24 under such subsection.

1 (3) DISTRICT OF COLUMBIA.—For any period
2 during which a public health emergency is in effect
3 in the District of Columbia, pursuant to a qualifying
4 declaration by the Mayor of such District, subsection
5 (a) applies to health services provided within the
6 District by a physician who holds a valid medical li-
7 cense issued by an Area State government to the
8 same extent and in the same manner as such sub-
9 section would apply within the entire National Cap-
10 ital Area if the President were to declare a public
11 health emergency for the National Capital Area
12 under such subsection.

13 (4) QUALIFYING DECLARATION.—

14 (A) IN GENERAL.—A declaration by the
15 Governor of Maryland, the Governor of Vir-
16 ginia, or the Mayor of the District of Columbia,
17 as the case may be, that a public health emer-
18 gency is in effect is, for purposes of this sub-
19 section, a qualifying declaration if—

20 (i) before officially declaring such
21 emergency, such chief executive official no-
22 tifies the Secretary of Health and Human
23 Services of the intent to officially declare
24 the emergency; and

1 (ii) the Secretary does not, within 12
2 hours after such official provides the no-
3 tice, inform the official that the Secretary
4 has disapproved the declaration on the
5 basis that the Secretary has determined
6 that the declaration is not necessary to
7 protect the public health.

8 (B) DELEGATION OF FUNCTIONS OF SEC-
9 RETARY.—The Secretary of Health and Human
10 Services may, temporarily or otherwise, delegate
11 the functions of the Secretary under subpara-
12 graph (A) to the Assistant Secretary for Health
13 or any of the heads of the agencies of the Pub-
14 lic Health Service.

15 (5) RELATIONSHIP BETWEEN DECLARA-
16 TIONS.—With respect to the public health emergency
17 involved, a declaration by the President under sub-
18 section (a), including the period in which the emer-
19 gency is declared to be in effect, supersedes any dec-
20 laration under this subsection by the Governor of
21 Maryland, the Governor of Virginia, or the Mayor of
22 the District of Columbia.

1 **SEC. 3. EMERGENCY SYSTEM IN NATIONAL CAPITAL AREA**
2 **FOR VERIFICATION OF CREDENTIALS OF**
3 **PHYSICIAN VOLUNTEERS.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services shall, directly or through an award of a
6 grant, contract, or cooperative agreement, establish and
7 maintain a system for verifying the credentials, licenses,
8 and hospital privileges of individuals who, during a public
9 health emergency in the National Capital Area or portion
10 thereof as declared under section 2, volunteer to serve in
11 such Area as physicians (referred to in this section as the
12 “verification system”). In carrying out the preceding sen-
13 tence, the Secretary shall provide for an electronic data-
14 base for the verification system.

15 (b) CERTAIN CRITERIA.—The Secretary shall estab-
16 lish criteria regarding the verification system under sub-
17 section (a), including provisions regarding the promptness
18 and efficiency of the system in collecting, storing, updat-
19 ing, and disseminating information on the credentials, li-
20 censes, accreditations, and hospital privileges of volunteers
21 described in subsection (a).

22 (c) ADVANCE REGISTRATION OF VOLUNTEERS.—In
23 order to facilitate the availability of physicians during a
24 public health emergency in the National Capital Area, the
25 Secretary shall provide for the advance registration with
26 the system of physicians who are willing to serve as volun-

1 teers described in subsection (a), and may carry out activi-
2 ties to encourage physicians to register with the system.

3 (d) OTHER ASSISTANCE.—The Secretary may make
4 grants and provide technical assistance to Area State gov-
5 ernments and other public or nonprofit private entities for
6 activities relating to the verification system developed
7 under subsection (a).

8 (e) RULE OF CONSTRUCTION.—This section may not
9 be construed as authorizing the Secretary to issue require-
10 ments regarding the provision by the Area State govern-
11 ments of credentials, licenses, accreditations, or hospital
12 privileges.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—For the
14 purpose of carrying out this section, there are authorized
15 to be appropriated \$2,000,000 for fiscal year 2003, and
16 such sums as may be necessary for each of the fiscal years
17 2004 through 2007.

18 **SEC. 4. DEFINITIONS.**

19 For purposes of this Act:

20 (1) The term “Area portion” means the portion
21 of the State of Maryland or the State of Virginia,
22 as the case may be, that is within the National Cap-
23 ital Area.

24 (2) The term “Area State governments” means
25 the governments of the States of Maryland and Vir-

1 ginia and the government of the District of Colum-
2 bia.

3 (3) The term “National Capital Area” means—

4 (A) the District of Columbia;

5 (B) the counties of Montgomery and
6 Prince George’s in the State of Maryland;

7 (C) the cities of Alexandria, Fairfax, Falls
8 Church, and Manassas in the State of Virginia,
9 and the counties of Arlington, Fairfax, Loudon,
10 and Prince William in such State; and

11 (D) such additional jurisdictions in the
12 State of Maryland or Virginia as the President
13 may designate in a declaration under subsection
14 (a) that a public health emergency is in effect.

15 (4) The term “Secretary” means the Secretary
16 of Health and Human Services.

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