



Emergency Volunteer Liability FAQs

1. Who is considered an “emergency volunteer” in Georgia?

“Emergency volunteers” are individuals who willingly give their time and effort to engage in an emergency preparedness and response activity for no monetary or material compensation. Emergency volunteers can include healthcare professionals as well as non-healthcare volunteers (lay volunteers) who may be part of a government-sponsored program (state or county) or nongovernment-based organization (e.g., hospitals).

2. What liability protection is afforded to emergency volunteers in Georgia?

Generally, emergency volunteers who assist in emergency management activities in Georgia, which may include public health emergencies and preparedness activities (e.g., training exercises and drills), are protected from liability for any injury or damage that may be caused by the volunteer’s actions or inactions.

Emergency volunteers who are members of a volunteer program run by a state or county agency *may* find protection under one or more of following state and federal statutes:

- Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-35
- Georgia State Torts Claims Act, O.C.G.A. § 50-21-25
- Good Samaritan Statute, O.C.G.A. § 51-1-29
- Liability of voluntary health care providers and sponsoring organizations, O.C.G.A. § 51-1-29.1
- Corporate Good Samaritan Statute, O.C.G.A. § 51-1-29.2
- Uniform Emergency Volunteer Health Practitioners Act (UEVHPA), O.C.G.A. § 38-3-160, *et seq.*
- Emergency Management Assistance Compact (EMAC), O.C.G.A. § 38-3-81
- Public Readiness and Emergency Preparedness Act (PREP Act), 42 U.S.C. § 247d-6d
- Federal Volunteer Protection Act of 1997 (VPA), 42 USC § 14501, *et seq.*

Each statute will have specific conditions for which an individual will find protection under the law. Generally, volunteers must:

- Act within the scope of their volunteer responsibilities and official duties;
- Be properly licensed, certified, or authorized by the appropriate authorities for the activity or practice in the State of Georgia; and
- Not act with **willful, criminal or reckless misconduct, gross negligence, or in bad faith.**

Actual legal protection will depend on the particular circumstances of the operation.

3. What is the DPH Emergency Volunteer Agreement (DPH Form EP10001A)?

The **DPH Emergency Volunteer Agreement** is used as a pre-registering tool to identify and register volunteers prior to an emergency event or preparedness activity. It is used to affiliate a volunteer with an organization and describe the scope of the volunteer’s duties and responsibilities. Although all volunteers who register with the State are asked to sign DPH Form EP10001A, a volunteer who is engaged in an emergency management activity, and who is a member of a program directed and controlled by a state or county volunteer program, may find protection under Georgia law with or without signing this form.

As this form is used to register volunteers to assist in emergency management activities, it is not the appropriate tool for registering volunteers for routine health department activities such as blood pressure screenings and well baby visits.

4. Are emergency volunteers covered under state law for workers’ compensation or personal injury loss?

No. Under Georgia law, O.C.G.A. § 34-9-1, *et seq.*, volunteers are not eligible for workers’ compensation or remuneration for personal injuries by the State based on their enrollment in a volunteer program. Personal injury and workers’ compensation coverage may be available for volunteers through private volunteer programs or through the county.