

## **Summary Regarding NM MRC Serves and the Volunteer Health Care Provider Tort Coverage Program**

**NM MRC Serves (formerly “NMservices”)** is a volunteer registry within the New Mexico Department of Health (NMDOH) developed under the guidelines of the U.S. Department of Health and Human Services for establishing an Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP). NM MRC Serves registers volunteers who are licensed health care professionals, volunteers with non-health care expertise, and lay volunteers. NM MRC Serves volunteers can be deployed during a disaster or public health emergency, or in response to a request for volunteers to support non-emergency community or public health events such as health fairs, exercises, and immunization clinics.

The NMDOH Volunteer Health Care Provider Tort Coverage Program (Program) is not an integral part of NM MRC Serves. This Program provides a registry for eligible health care agencies or organizations in need of volunteer health care providers; and for licensed New Mexico health care providers with no liability insurance who would serve as volunteers, without compensation, in those eligible agencies and/or organizations.

The Program was statutorily authorized pursuant to an amendment to the New Mexico Tort Claims Act, § 41-4-1, *et seq.*, New Mexico Statutes Annotated (NMSA) (1978). Specifically, the definition of “public employee” was expanded under § 41-4-3.F. to include a “licensed health care provider, who has no medical liability insurance, providing voluntary services as defined in Paragraph (16) of this subsection and including:...(16) health care providers licensed in New Mexico who render voluntary health care services without compensation in accordance with rules promulgated by the secretary of health. The rules shall include requirements for the types of locations at which the services are rendered, the allowed scope of practice and measures to ensure quality of care.”

The NMDOH rule promulgated to implement the Program, found at § 7.1.26.1, New Mexico Administrative Code (NMAC), define very specific situations where volunteer health care providers “with no liability insurance” who are “registered” with the DOH Epidemiology & Response Division can provide volunteer health care services in the state “at locations operated or sponsored by “registered” agencies and organizations.” §§ 7.1.26.6. and 7.1.26.8., NMAC. Eligible health care agencies or organizations include:

1. Public health offices operated by the NMDOH;
2. Public health contractors of the NMDOH including: (1) family planning contractors; (2) oral health service providers; and (3) human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) service providers;
3. Community-based primary care centers licensed by the NMDOH;
4. School-based health centers;
5. Emergency medical services licensed by the State of New Mexico;
6. Indian health services and tribal health services;

7. Other health programs operated by the NMDOH;
8. Other locations and volunteer opportunities as recognized by the NMDOH; and
9. Mobile and portable outreach and extension efforts sponsored by the registered agency, organization, or program including health fairs and head-start school outreach.

“Licensed health care provider” under the rule is defined as “a health care provider licensed to practice in the state of New Mexico or a health care provider in federal service with a license issued in another state, including the following professional disciplines: optometrists, chiropractic physicians, dentists, physicians, podiatrists, osteopathic physicians, physician assistants, certified nurse practitioners, physical therapists, occupational therapists, speech-language pathologists, doctors of oriental medicine, nutritionists, psychologists, certified nurse-midwives, clinical nurse specialists, registered nurses, dental hygienists, pharmacists, athletic trainers, and anesthesiologist assistants.” § 7.1.26.7.A., NMAC.