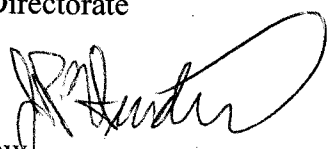




FEMA

June 29, 2007

MEMORANDUM FOR: Michael Tamillow
US&R Section Chief
Disaster Operations Directorate

FROM: John-Paul Henderson 
Attorney, Program Law
Office of Chief Counsel

SUBJECT: Federal Protections for US&R Medical Personnel

The purpose of this memorandum is to describe the Federal protections provided to medical personnel on Urban Search and Rescue (US&R) Task Forces. For the purposes of this memorandum, the term "medical personnel" includes physicians, paramedics, and any other Task Force member who performs medical services within the scope of their employment with the National US&R System.

All US&R System Members, including medical personnel, are appointed into Federal service as temporary excepted Federal volunteers. 44 CFR § 208.11. The purpose of this appointment is to "secure protection for such volunteers under the Federal Employees Compensation Act [FECA] and the Federal Tort Claims Act [FTCA]." *Id.* At this time, all System Members, including medical personnel, are covered by the FTCA for any torts committed within the scope of their employment while deployed for a System activation. All System Members, including medical personnel, are also eligible for Federal workers' compensation benefits through FECA, which is administered by the Department of Labor, for any job-related injuries that occur during a System activation or during FEMA sponsored training.

In addition to the above protections, the Federal status of US&R System Members permits medical personnel to perform medical services outside of a State in which they are licensed to practice medicine. The Supreme Court has held that States may not require additional qualifications for Federal officers beyond those deemed sufficient by the Federal government. *Johnson v. Maryland*, 254 U.S. 51 (1920); *Sperry v. Florida*, 373 U.S. 379, 385 (1963). All medical professionals who work for the Federal government must meet the minimum qualifications set forth by the Office of Personnel Management (OPM). Once duly appointed into Federal service for a System activation or FEMA sponsored training, any US&R medical personnel meeting the relevant OPM criteria may practice medicine in their official capacity in any part of the United States and its territories.