



LIABILITY PROTECTION

The Ohio statute and administrative rules below address the issue of liability protection for volunteers during an emergency declared by the state or political subdivision or in disaster-related exercises, testing or other training activities (ORC 121.404(B)). You should read both the statute (ORC 121.404) and the rules (OAC 120:40-1-01) in their entirety.

121.404 Council cooperation in establishing system for emergency volunteers.

(A) The Ohio community service council shall advise, assist, consult with, and cooperate with agencies and political subdivisions of this state to establish a statewide system for recruiting, registering, training, and deploying the types of volunteers the council considers advisable and reasonably necessary to respond to an emergency declared by the state or political subdivision.

(B) A registered volunteer is not liable in damages to any person or government entity in tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim or veterinary claim, for injury, death, or loss to person or property that may arise from an act or omission of that volunteer. This division applies to a registered volunteer while providing services within the scope of the volunteer's responsibilities during an emergency declared by the state or political subdivision or in disaster-related exercises, testing, or other training activities, if the volunteer's act or omission does not constitute willful or wanton misconduct.

(C) The Ohio community service council shall adopt rules pursuant to Chapter 119. of the Revised Code to establish fees, procedures, standards, and requirements the council considers necessary to carry out the purposes of this section.

(D)(1) A registered volunteer's status as a volunteer, and any information presented in summary, statistical, or aggregate form that does not identify an individual, is a public record pursuant to section [149.43](#) of the Revised Code.

(2) Information related to a registered volunteer's specific and unique responsibilities, assignments, or deployment plans, including but not limited to training, preparedness, readiness, or organizational assignment, is a security record for purposes of section [149.433](#) of the Revised Code.

(3) Information related to a registered volunteer's personal information, including but not limited to contact information, medical information, or information related to family members or dependents, is not a public record pursuant to section [149.43](#) of the Revised Code.

(E) As used in this section and section [121.40](#) of the Revised Code:

(1) "Registered volunteer" means any individual registered as a volunteer pursuant to procedures established under this section and who serves without pay or other consideration, other than the reasonable reimbursement or allowance for expenses actually incurred or the provision of incidental benefits related to the volunteer's service, such as meals, lodging, and childcare.

(2) "Political subdivision" means a county, township, or municipal corporation in this state.

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121:40-1-01 Registration of volunteers.

(A) The purpose of these rules is to prescribe procedures, standards, and requirements necessary for the Ohio community service council ("OCSC") to establish and maintain a system for recruiting, registering, training and deploying all types of volunteers.

(1) A "registered volunteer" will be eligible to assist local political subdivisions, state or federal officials during an emergency declared by the state or political subdivision of in disaster related exercises, testing, or other training activities.

(2) In accordance with the state emergency operations plan, the Ohio emergency management agency will notify OCSC of requests for registered volunteers and OCSC will identify those registered volunteers having the specific skills in the specific region requested.

(B) A volunteer must apply for "registered volunteer" status with the OCSC in one of the following three prescribed manners:

(1) Online registration

(a) A volunteer may apply for registered volunteer status by completing an online application found on the OCSC web site.

(b) The online application requires the completion of an OCSC approved training course and the submission and subsequent verification of the volunteer's credentials by the OCSC.

(c) The volunteer shall also complete a self-attestation form.

(2) Written application:

(a) A volunteer may apply for registered status by completing a written application provided by the OCSC.

(b) The written application requires the completion of an OCSC approved training course and the submission and subsequent verification of the volunteer's credentials by the OCSC

(c) The volunteer shall also complete a self-attestation form.

(3) Onsite in-person application

(a) A volunteer may apply for registered volunteer status by completing an application at a location identified by the OCSC.

(b) The application requires the completion of an OCSC approved, onsite training course and the submission and subsequent verification of the volunteer's credentials by the OCSC.

(c) The volunteer shall also complete a self-attestation form from and by the OCSC.

(C) Criteria for volunteers.

(1) A volunteer shall be no less than eighteen years of age on the day of the volunteer's application.

(2) A volunteer must satisfactorily complete an OCSC approved training course prior to being registered.

(a) Training will be valid for three years.

(b) Upon completion of the third year as a registered volunteer, a registered volunteer shall satisfactorily complete an updated or refresher OCSC approved training course.

(c) This training shall be completed between the third and fourth year after a volunteer attains registered status.

(3) A comprehensive listing of all approved training courses will be maintained on the OCSC web site and only by those courses approved by the OCSC shall qualify as approved trainings.

(4) By completing all required criteria, and upon verification by OCSC of an applicant's credentials and identity, an applicant becomes a "registered volunteer" in the OCSC database.

(5) At the discretion of the OCSC, a registered volunteer may be required to submit to a comprehensive background check administered by the Ohio bureau of criminal investigation and identification or designated investigative agency.

(D) Conditions for placement in inactive status from database.

(1) If registered volunteer status is based on the retention of a professional license/certificate, such registered volunteer shall be inactivated from the database when the professional license/certificate expires or is suspended or revoked.

(2) A registered volunteer shall be inactivated from the database if registered status was obtained through false or deceitful information in the application process or during required training.

(3) A registered volunteer shall be inactivated from the database if the registered volunteer demonstrates conduct inconsistent with that of a registered volunteer. Such conduct shall be construed by the OCSC and may include any conduct deemed detrimental to the goals and mission of OCSC's registered volunteers program.

(4) A registered volunteer shall be inactivated from the database if the registered volunteer received consistently unsatisfactory performance evaluations and is deemed unsuitable for future deployment by OCSC.

(5) A registered volunteer shall be inactivated if the registered volunteer fails to complete an updated or refresher OCSC approved training.

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Statutory Authority: [121.404](#)

Promulgated Under: [119.03](#)

Rule Amplifies: [121.40](#)

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