

Hospital Employee Amateur Radio Operations.

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Let me begin by saying that I am not an attorney. The following is my personal opinion, and has no legal standing, whatsoever. This is just the way things look from my vantage point. It is up to each Amateur radio operator to interpret The Rules according to their own informed opinion, in any particular situation, and operate accordingly.

There has been a recent controversy concerning the propriety of an employee to provide Amateur radio emergency communications on behalf of their employer, particularly with regard to hospitals, but also applicable to other situations. The FCC Rules (Part 97, Title 47, CFR) do not allow an employee to operate an Amateur radio station for the benefit of his or her employer. This is for our own protection, as any "commercialization" of Amateur radio would be detrimental.

On the other hand, The Rules allow broad latitude in an Emergency or Disaster situation, and it is widely assumed that in extremis, a hospital employee may use Amateur radio as necessary. If there truly is no alternative, this falls under our recognized mission. So in an actual emergency, there is no problem.

The problem arises with the issue of Exercises and Drills. It is vitally important for an Amateur operator to be familiar with the equipment and particulars of the station they intend to operate in an emergency. It is equally important that the operator be familiar with the procedures used on the air, to mesh with the larger Amateur radio community response. The dilemma arises from the fact that during an exercise or drill, there is no emergency, thus no easing of the prohibition against operating in support of the employer.

A governmental entity may request a waiver from the FCC, on a specific case-by-case basis, to allow for employee participation in exercises, but this is viewed as applicable to exceptional situations involving large-scale drills. Many hospitals are not governmental entities, and therefore might not be eligible to apply for a waiver.

The employee can escape this dilemma. First, an Amateur radio station installed on hospital property could be referred to as a "club" station. To familiarize him or herself with the general operation of the "club" radio station, the employee may, on their own time, occasionally make a casual contact or two. This is done outside of any exercise or drill, and "off the clock". The employer derives no benefit from this activity, and may install an Amateur radio station for employee recreation. Thus the employee may become familiar with the operation of the station itself.

The employee could also participate in exercises and drills, but exclusively from their home or other location (not the hospital), as would any other ARES volunteer, to develop experience with procedures used on the air, and other aspects of the Amateur radio community disaster response. This would ready them to participate in any disaster, from wherever they happened to be at the time.

It is up to each ARES volunteer to seek appropriate training in order to be ready when disaster strikes. This might mean a somewhat less direct approach for some.