

1                   **UNIFORM EMERGENCY VOLUNTEER HEALTH**  
2                   **PRACTITIONERS ACT**

3                   2008 GENERAL SESSION

4                   STATE OF UTAH

5                   **Chief Sponsor: Lyle W. Hillyard**

6                   House Sponsor: R. Curt Webb

---

---

7  
8                   **LONG TITLE**

9                   **General Description:**

10                  This bill enacts provisions governing licensed practitioners from outside of the state  
11 who come to Utah to provide health and veterinary services in response to declared  
12 emergencies in Utah.

13                  **Highlighted Provisions:**

14                  This bill:

- 15                  ▶ defines terms;
- 16                  ▶ provides for the registration and regulation of volunteer health practitioners from  
17 outside of Utah;
- 18                  ▶ authorizes Utah to regulate, direct, and restrict the scope and extent of services  
19 provided by volunteer health practitioners;
- 20                  ▶ provides limitations on the civil liability exposure of volunteer health practitioners;
- 21                  and
- 22                  ▶ allows volunteer health practitioners who suffer injury or death while providing  
23 services the option to elect workers' compensation benefits as an exclusive remedy  
24 if coverage is not otherwise available.

25                  **Monies Appropriated in this Bill:**

26                  None

27                  **Other Special Clauses:**



28 This bill takes effect on July 1, 2008.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-1-307**, as last amended by Laws of Utah 2006, Chapters 206 and 239

32 **58-13-2**, as last amended by Laws of Utah 2007, Chapter 306

33 ENACTS:

34 **58-78-101**, Utah Code Annotated 1953

35 **58-78-102**, Utah Code Annotated 1953

36 **58-78-103**, Utah Code Annotated 1953

37 **58-78-201**, Utah Code Annotated 1953

38 **58-78-202**, Utah Code Annotated 1953

39 **58-78-203**, Utah Code Annotated 1953

40 **58-78-204**, Utah Code Annotated 1953

41 **58-78-205**, Utah Code Annotated 1953

42 **58-78-301**, Utah Code Annotated 1953

43 **58-78-401**, Utah Code Annotated 1953

44 **58-78-501**, Utah Code Annotated 1953

45 **58-78-601**, Utah Code Annotated 1953

46 **58-78-701**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **58-1-307** is amended to read:

50 **58-1-307. Exemptions from licensure.**

51 (1) Except as otherwise provided by statute or rule, the following individuals may  
52 engage in the practice of their occupation or profession, subject to the stated circumstances and  
53 limitations, without being licensed under this title:

54 (a) an individual serving in the armed forces of the United States, the United States  
55 Public Health Service, the United States Department of Veterans Affairs, or other federal  
56 agencies while engaged in activities regulated under this chapter as a part of employment with  
57 that federal agency if the individual holds a valid license to practice a regulated occupation or  
58 profession issued by any other state or jurisdiction recognized by the division;

59 (b) a student engaged in activities constituting the practice of a regulated occupation or  
60 profession while in training in a recognized school approved by the division to the extent the  
61 activities are supervised by qualified faculty, staff, or designee and the activities are a defined  
62 part of the training program;

63 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,  
64 fellowship, apprenticeship, or on-the-job training program approved by the division while  
65 under the supervision of qualified individuals;

66 (d) an individual residing in another state and licensed to practice a regulated  
67 occupation or profession in that state, who is called in for a consultation by an individual  
68 licensed in this state, and the services provided are limited to that consultation;

69 (e) an individual who is invited by a recognized school, association, society, or other  
70 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a  
71 regulated occupation or profession if the individual does not establish a place of business or  
72 regularly engage in the practice of the regulated occupation or profession in this state;

73 (f) an individual licensed under the laws of this state, other than under this title, to  
74 practice or engage in an occupation or profession, while engaged in the lawful, professional,  
75 and competent practice of that occupation or profession;

76 (g) an individual licensed in a health care profession in another state who performs that  
77 profession while attending to the immediate needs of a patient for a reasonable period during  
78 which the patient is being transported from outside of this state, into this state, or through this  
79 state;

80 (h) an individual licensed in another state or country who is in this state temporarily to  
81 attend to the needs of an athletic team or group, except that the practitioner may only attend to  
82 the needs of the athletic team or group, including all individuals who travel with the team or  
83 group in any capacity except as a spectator;

84 (i) an individual licensed and in good standing in another state, who is in this state:

85 (i) temporarily, under the invitation and control of a sponsoring entity;

86 (ii) for a reason associated with a special purpose event, based upon needs that may  
87 exceed the ability of this state to address through its licensees, as determined by the division;  
88 and

89 (iii) for a limited period of time not to exceed the duration of that event, together with

90 any necessary preparatory and conclusionary periods; and

91 (j) a law enforcement officer, as defined under Section 53-13-103, who:

92 (i) is operating a voice stress analyzer in the course of the officer's full-time  
93 employment with a federal, state, or local law enforcement agency;

94 (ii) has completed the manufacturer's training course and is certified by the  
95 manufacturer to operate that voice stress analyzer; and

96 (iii) is operating the voice stress analyzer in accordance with Section 58-64-601,  
97 regarding deception detection instruments.

98 (2) (a) A practitioner temporarily in this state who is exempted from licensure under  
99 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the  
100 practitioner derives authority to practice.

101 (b) Violation of a limitation imposed by this section constitutes grounds for removal of  
102 exempt status, denial of license, or other disciplinary proceedings.

103 (3) An individual who is licensed under a specific chapter of this title to practice or  
104 engage in an occupation or profession may engage in the lawful, professional, and competent  
105 practice of that occupation or profession without additional licensure under other chapters of  
106 this title, except as otherwise provided by this title.

107 (4) Upon the declaration of a national, state, or local emergency, a public health  
108 emergency as defined in Section 26-23b-102, or a declaration by the President of the United  
109 States or other federal official requesting public health-related activities, the division in  
110 collaboration with the board may:

111 (a) suspend the requirements for permanent or temporary licensure of individuals who  
112 are licensed in another state. Individuals exempt under this Subsection (4)(a) are exempt from  
113 licensure for the duration of the emergency while engaged in the scope of practice for which  
114 they are licensed in the other state;

115 (b) modify, under the circumstances described in this Subsection (4) and Subsection  
116 (5), the scope of practice restrictions under this title for individuals who are licensed under this  
117 title as:

118 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah  
119 Osteopathic Medical Practice Act;

120 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure

- 121 Compact;
- 122 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
- 123 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
- 124 Pharmacy Practice Act;
- 125 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 126 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
- 127 Practice Act; and
- 128 (vii) a physician assistant under Chapter 70a, Physician Assistant Act;
- 129 (c) suspend the requirements for licensure under this title and modify the scope of
- 130 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
- 131 services personnel or paramedics required to be certified under Section 26-8a-302;
- 132 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
- 133 certain prescriptive procedures; ~~and~~
- 134 (e) exempt or modify the requirement for licensure of an individual who is activated as
- 135 a member of a medical reserve corps during a time of emergency as provided in Section
- 136 26A-1-126[:]; and
- 137 (f) exempt or modify the requirement for licensure of an individual who is registered as
- 138 a volunteer health practitioner as provided in Title 58, Chapter 78, Uniform Emergency
- 139 Volunteer Health Practitioners Act.
- 140 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
- 141 modified scope of practice provisions under Subsection (4)(b):
- 142 (a) are exempt from licensure or subject to modified scope of practice for the duration
- 143 of the emergency;
- 144 (b) must be engaged in the distribution of medicines or medical devices in response to
- 145 the emergency or declaration; and
- 146 (c) must be employed by or volunteering for a local or state department of health.

Section 2. Section **58-13-2** is amended to read:

**58-13-2. Emergency care rendered by licensee.**

- 149 (1) A person licensed under Title 58, Occupations and Professions, to practice as any
- 150 of the following health care professionals, who is under no legal duty to respond, and who in
- 151 good faith renders emergency care at the scene of an emergency gratuitously and in good faith,

152 is not liable for any civil damages as a result of any acts or omissions by the person in  
153 rendering the emergency care:

- 154 (a) osteopathic physician;
- 155 (b) physician and surgeon;
- 156 (c) naturopathic physician;
- 157 (d) dentist or dental hygienist;
- 158 (e) chiropractic physician;
- 159 (f) physician assistant;
- 160 (g) optometrist;
- 161 (h) nurse licensed under Section 58-31b-301 or 58-31c-102;
- 162 (i) podiatrist;
- 163 (j) certified nurse midwife;
- 164 (k) respiratory care practitioner;
- 165 (l) pharmacist, pharmacy technician, and pharmacy intern; ~~[or]~~
- 166 (m) Direct-entry midwife licensed under Section 58-77-301~~[-];~~ or
- 167 (n) veterinarian.

168 (2) This Subsection (2) applies to a health care ~~[professionals]~~ professional:

- 169 (a) (i) described in Subsection (1); and
- 170 (ii) who ~~[are]~~ is under no legal duty to respond to the circumstances described in
- 171 Subsection (3); ~~[or]~~

172 (b) who ~~[are]~~ is:

173 (i) activated as a member of a medical reserve corps as described in Section 26A-1-126  
174 during the time of an emergency as provided in Section 26A-1-126; ~~[and]~~

175 ~~[(c) (i) who are]~~ (ii) acting within the scope of:

176 (A) the health care professional's license~~[-];~~ or ~~[within the scope of]~~

177 (B) practice as modified under Subsection 58-1-307(4) or Section 26A-1-126; and

178 ~~[(ii) who are]~~ (iii) acting in good faith without compensation or remuneration as  
179 defined in Subsection 58-13-3(2)~~[-];~~ or

180 (c) who is acting as a volunteer health practitioner under Title 58, Chapter 78, Uniform  
181 Emergency Volunteer Health Practitioners Act.

182 (3) A health care professional described in Subsection (2) is not liable for any civil

183 damages as a result of any acts or omissions by the health care professional in rendering care as  
184 a result of:

185 (a) implementation of measures to control the causes of epidemic and communicable  
186 diseases and other conditions significantly affecting the public health or necessary to protect  
187 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

188 (b) investigating and controlling suspected bioterrorism and disease as set out in Title  
189 26, Chapter 23b, Detection of Public Health Emergencies Act; and

190 (c) responding to a national, state, or local emergency, a public health emergency as  
191 defined in Section 26-23b-102, or a declaration by the President of the United States or other  
192 federal official requesting public health-related activities.

193 (4) The immunity in Subsection (3) is in addition to any immunity or protection in state  
194 or federal law that may apply.

195 (5) For purposes of Subsection (2)~~(c)(ii)~~ (b)(iii) remuneration does not include:

196 (a) food supplied to the volunteer;

197 (b) clothing supplied to the volunteer to help identify the volunteer during the time of  
198 the emergency; or

199 (c) other similar support for the volunteer.

200 Section 3. Section **58-78-101** is enacted to read:

201 **CHAPTER 78. UNIFORM EMERGENCY VOLUNTEER HEALTH**  
202 **PRACTITIONERS ACT**

203 **Part 1. General Provisions**

204 **58-78-101. Title.**

205 This chapter is known as the "Uniform Emergency Volunteer Health Practitioners Act."

206 Section 4. Section **58-78-102** is enacted to read:

207 **58-78-102. Definitions.**

208 As used in this chapter:

209 (1) "Department of Health" shall have the meaning provided for in Section 26-1-4.

210 (2) "Disaster relief organization" means an entity that:

211 (a) provides emergency or disaster relief services that include health or veterinary  
212 services provided by volunteer health practitioners;

213 (b) is designated or recognized as a provider of the services described in Subsection

214 (2)(a) under a disaster response and recovery plan adopted by:

215 (i) an agency of the federal government;

216 (ii) the Department of Health; or

217 (iii) a local health department; and

218 (c) regularly plans and conducts its activities in coordination with an agency of the  
219 federal government or the Department of Health.

220 (3) "Emergency" means a "State of Emergency" as defined in Section 63-5a-2.

221 (4) "Emergency declaration" shall have the meaning provided for in Sections 63-5a-5  
222 and 63-5a-6.

223 (5) "Emergency Management Assistance Compact" means the interstate compact  
224 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title  
225 53, Chapter 2, Part 2, Emergency Management Assistance Compact.

226 (6) "Entity" means a person other than an individual.

227 (7) "Health facility" means an entity licensed under the laws of this or another state to  
228 provide health or veterinary services.

229 (8) "Health practitioner" means an individual licensed under Utah law or another state  
230 to provide health or veterinary services.

231 (9) "Health services" means the provision of treatment, care, advice, guidance, other  
232 services, or supplies related to the health or death of individuals or human populations, to the  
233 extent necessary to respond to an emergency, including:

234 (a) the following, concerning the physical or mental condition or functional status of an  
235 individual or affecting the structure or function of the body:

236 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

237 (ii) counseling, assessment, procedures, or other services;

238 (b) selling or dispensing a drug, a device, equipment, or another item to an individual  
239 in accordance with a prescription; and

240 (c) funeral, cremation, cemetery, or other mortuary services.

241 (10) "Host entity" means an entity operating in Utah that uses volunteer health  
242 practitioners to respond to an emergency.

243 (11) (a) "License" means authorization by a state to engage in health or veterinary  
244 services that are unlawful without authorization.

245 (b) "License" includes authorization under this title to an individual to provide health  
246 or veterinary services based upon a national certification issued by a public or private entity.

247 (12) "Local health department" shall have the meaning provided for in Subsection  
248 26A-1-102(5).

249 (13) "Person" means an individual, corporation, business trust, trust, partnership,  
250 limited liability company, association, joint venture, public corporation, government or  
251 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

252 (14) "Scope of practice" means the extent of the authorization to provide health or  
253 veterinary services granted to a health practitioner by a license issued to the practitioner in the  
254 state in which the principal part of the practitioner's services are rendered, including any  
255 conditions imposed by the licensing authority.

256 (15) "State" means:

257 (a) a state of the United States;

258 (b) the District of Columbia;

259 (c) Puerto Rico;

260 (d) the United States Virgin Islands; or

261 (e) any territory or insular possession subject to the jurisdiction of the United States.

262 (16) "Veterinary services" shall have the meaning provided for in Subsection  
263 58-28-102(11).

264 (17) (a) "Volunteer health practitioner" means a health practitioner who provides health  
265 or veterinary services, whether or not the practitioner receives compensation for those services.

266 (b) "Volunteer health practitioner" does not include a practitioner who receives  
267 compensation under a preexisting employment relationship with a host entity or affiliate that  
268 requires the practitioner to provide health services in Utah, unless the practitioner is:

269 (i) not a Utah resident; and

270 (ii) employed by a disaster relief organization providing services in Utah while an  
271 emergency declaration is in effect.

272 Section 5. Section **58-78-103** is enacted to read:

273 **58-78-103. Applicability to volunteer health practitioners.**

274 This chapter applies to volunteer health practitioners who:

275 (1) are registered with a registration system that complies with Section 58-78-202; and

276 (2) provide health or veterinary services in Utah for a host entity while an emergency  
277 declaration is in effect.

278 Section 6. Section **58-78-201** is enacted to read:

279 **Part 2. Regulation, Registration, Licensing, and Administrative Sanctions of Volunteer**  
280 **Health Practitioners**

281 **58-78-201. Regulation of services during emergency.**

282 (1) While an emergency declaration is in effect, the Department of Health and a local  
283 health department may limit, restrict, or otherwise regulate:

- 284 (a) the duration of practice by volunteer health practitioners;
- 285 (b) the geographical areas in which volunteer health practitioners may practice;
- 286 (c) the types of volunteer health practitioners who may practice; and
- 287 (d) any other matters necessary to coordinate effectively the provision of health or  
288 veterinary services during the emergency.

289 (2) An order issued under Subsection (1) takes effect immediately, without prior notice  
290 or comment, and is not a rule within the meaning of Title 63, Chapter 46a, Utah Administrative  
291 Rulemaking Act, or an adjudication with the meaning of Title 63, Chapter 46b, Administrative  
292 Procedures Act.

293 (3) A host entity that uses volunteer health practitioners to provide health or veterinary  
294 services in Utah shall:

- 295 (a) to the extent practicable, consult and coordinate its activities with the Department  
296 of Health and local health departments to provide for the efficient and effective use of  
297 volunteer health practitioners; and
- 298 (b) comply with all state and federal laws relating to the management of emergency  
299 health or veterinary services.

300 Section 7. Section **58-78-202** is enacted to read:

301 **58-78-202. Volunteer health practitioner registration systems.**

302 (1) To qualify as a volunteer health practitioner registration system, the registration  
303 system must:

- 304 (a) accept applications for the registration of volunteer health practitioners before or  
305 during an emergency;
- 306 (b) include information about the licensure and good standing of health practitioners

307 that is accessible by authorized persons;

308 (c) be capable of confirming the accuracy of information concerning whether a health  
309 practitioner is licensed and in good standing before health services or veterinary services are  
310 provided under this chapter; and

311 (d) meet one of the following conditions:

312 (i) be an emergency system for advance registration of volunteer health practitioners  
313 established by a state and funded through the United States Department of Health and Human  
314 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as  
315 amended;

316 (ii) be a local unit consisting of trained and equipped emergency response, public  
317 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42  
318 U.S.C. Sec. 300hh as amended;

319 (iii) be operated by a:

320 (A) disaster relief organization;

321 (B) licensing board;

322 (C) national or regional association of licensing boards or health practitioners;

323 (D) health facility that provides comprehensive inpatient and outpatient health-care  
324 services, including tertiary care; or

325 (E) governmental entity; or

326 (iv) be designated by the division as a registration system for purposes of this chapter.

327 (2) (a) Subject to Subsection (2)(b), while an emergency declaration is in effect, the  
328 division, a person authorized to act on behalf of the division, or a host entity may confirm  
329 whether a volunteer health practitioner utilized in Utah is registered with a registration system  
330 that complies with Subsection (1).

331 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the  
332 identity of the practitioner from the system and determining whether the system indicates that  
333 the practitioner is licensed and in good standing.

334 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized  
335 person in another state, a registration system located in Utah shall notify the person of the  
336 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is  
337 licensed and in good standing.

338 (4) A host entity is not required to use the services of a volunteer health practitioner  
339 even if the volunteer health practitioner is registered with a registration system that indicates  
340 that the practitioner is licensed and in good standing.

341 Section 8. Section **58-78-203** is enacted to read:

342 **58-78-203. Recognition of volunteer health practitioners licensed in other states.**

343 (1) While an emergency declaration is in effect, a volunteer health practitioner  
344 registered with a registration system that complies with Section 58-78-202 and licensed and in  
345 good standing in the state upon which the practitioner's registration is based:

346 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner  
347 were licensed in Utah; and

348 (b) is exempt from:

349 (i) licensure in Utah; or

350 (ii) operating under modified scope of practice provisions in accordance with  
351 Subsections 58-1-307(4) and (5).

352 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the  
353 protections of this chapter if the practitioner is licensed in more than one state and any license  
354 of the practitioner:

355 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice  
356 privileges; or

357 (b) has been voluntarily terminated under threat of sanction.

358 Section 9. Section **58-78-204** is enacted to read:

359 **58-78-204. No effect on credentialing and privileging.**

360 (1) For purposes of this section:

361 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a  
362 health practitioner to provide treatment, care, or services in or for a health facility.

363 (b) "Privileging" means the authorizing by an appropriate authority of a health  
364 practitioner to provide specific treatment, care, or services at a health facility subject to limits  
365 based on factors that include license, education, training, experience, competence, health status,  
366 and specialized skill.

367 (2) This chapter does not affect credentialing or privileging standards of a health  
368 facility, and does not preclude a health facility from waiving or modifying those standards

369 while an emergency declaration is in effect.

370 Section 10. Section **58-78-205** is enacted to read:

371 **58-78-205. Provision of volunteer health or veterinary services -- Administrative**  
372 **sanctions.**

373 (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with  
374 the scope of practice for a similarly licensed practitioner established by the licensing  
375 provisions, practice acts, or other Utah laws.

376 (2) Except as otherwise provided in Subsection (3), this chapter does not authorize a  
377 volunteer health practitioner to provide services that are outside the volunteer health  
378 practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be  
379 permitted to provide the services.

380 (3) (a) The division may issue an order modifying or restricting the health or veterinary  
381 services that volunteer health practitioners may provide pursuant to this chapter.

382 (b) An order under this subsection takes effect immediately, without prior notice or  
383 comment, and is not a rule within the meaning of Title 63, Chapter 46a, Utah Administrative  
384 Rulemaking Act, or a directive within the meaning of Title 63, Chapter 46b, Administrative  
385 Procedures Act.

386 (4) A host entity may restrict the health or veterinary services that a volunteer health  
387 practitioner may provide under this chapter.

388 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless  
389 the volunteer health practitioner has reason to know of any limitation, modification, or  
390 restriction under this chapter or that a similarly licensed practitioner in Utah would not be  
391 permitted to provide the services.

392 (b) A volunteer health practitioner has reason to know of a limitation, modification, or  
393 restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a  
394 service, if:

395 (i) the volunteer health practitioner knows the limitation, modification, or restriction  
396 exists or that a similarly licensed practitioner in Utah would not be permitted to provide the  
397 service; or

398 (ii) from all the facts and circumstances known to the volunteer health practitioner at  
399 the relevant time, a reasonable person would conclude that:

400 (A) the limitation, modification, or restriction exists; or  
 401 (B) a similarly licensed practitioner in Utah would not be permitted to provide the  
 402 service.

403 (6) In addition to the authority granted by law of Utah other than this chapter to  
 404 regulate the conduct of volunteer health practitioners, the division or other disciplinary  
 405 authority in Utah:

406 (a) may impose administrative sanctions upon a volunteer health practitioner licensed  
 407 in Utah for conduct outside of Utah in response to an out-of-state emergency;

408 (b) may impose administrative sanctions upon a volunteer health practitioner not  
 409 licensed in Utah for conduct in Utah in response to an in-state emergency; and

410 (c) shall report any administrative sanctions imposed upon a volunteer health  
 411 practitioner licensed in another state to the appropriate licensing board or other disciplinary  
 412 authority in any other state in which the volunteer health practitioner is known to be licensed.

413 (7) In determining whether or not to impose administrative sanctions under Subsection  
 414 (6), the division or other disciplinary authority shall consider the circumstances in which the  
 415 conduct took place, including:

416 (a) any exigent circumstances; and

417 (b) the volunteer health practitioner's scope of practice, education, training, experience,  
 418 and specialized skill.

419 Section 11. Section **58-78-301** is enacted to read:

420 **Part 3. Relation to Other Laws**

421 **58-78-301. Relation to other laws.**

422 (1) (a) This chapter does not limit rights, privileges, or immunities provided to  
 423 volunteer health practitioners by laws other than this chapter.

424 (b) Except as otherwise provided in Subsection (2), this chapter does not affect  
 425 requirements for the use of health practitioners pursuant to Title 53, Chapter 2, Part 2,  
 426 Emergency Management Assistance Compact.

427 (2) An authorized representative of a party state may incorporate volunteer health  
 428 practitioners into the emergency forces of Utah even if those volunteer health practitioners are  
 429 not officers or employees of Utah, a political subdivision of Utah, or a municipality or other  
 430 local government within Utah.

431 Section 12. Section **58-78-401** is enacted to read:

432 **Part 4. Regulatory Authority**

433 **58-78-401. Regulatory authority.**

434 (1) The division shall make rules by following the procedures and requirements of  
435 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

436 (2) Before adopting rules under Subsection (1), the division shall consult and consider:

437 (a) the recommendations of the entity established to coordinate the implementation of  
438 the Emergency Management Assistance Compact; and

439 (b) rules adopted by similarly empowered agencies in other states in order to promote  
440 uniformity of application of this chapter and make the emergency response systems in the  
441 various states reasonably compatible.

442 Section 13. Section **58-78-501** is enacted to read:

443 **Part 5. Limitations on Civil Liability**

444 **58-78-501. Limitations on civil liability for volunteer health practitioners.**

445 Volunteer health practitioners who provide health or veterinary services pursuant to this  
446 chapter are immune from liability and civil damages as set forth in Section 58-13-2.

447 Section 14. Section **58-78-601** is enacted to read:

448 **Part 6. Workers' Compensation Coverage**

449 **58-78-601. Workers' compensation coverage.**

450 (1) For purposes of this section, "injury" means a physical or mental injury or disease  
451 for which an employee of Utah who is injured or contracts the disease in the course of the  
452 employee's employment would be entitled to benefits under Title 34A, Chapter 2, Workers'  
453 Compensation Act.

454 (2) A volunteer health practitioner is considered a state employee for purposes of  
455 receiving workers' compensation medical benefits under Title 34A, Chapter 2, Workers'  
456 Compensation Act, and Chapter 3, Utah Occupational Disease Act.

457 (3) The state shall provide workers' compensation benefits for a volunteer health  
458 practitioner under:

459 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

460 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

461 (4) (a) In accordance with Section 34A-2-105, the workers' compensation benefits

462 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or  
463 employee of the state, for all injuries and occupational diseases resulting from the volunteer  
464 health practitioner's services for the state.

465 (b) For purposes of Subsection (4)(a), the state is considered the employer of the  
466 volunteer health practitioner.

467 (5) To compute the workers' compensation benefits for a volunteer health practitioner  
468 described in Subsection (3), the average weekly wage of the volunteer health practitioner shall  
469 be the state's average weekly wage at the time of the emergency that is the basis for the  
470 volunteer health practitioner's workers' compensation claim.

471 (6) (a) The Labor Commission shall:

472 (i) adopt rules, enter into agreements with other states, or take other measures to  
473 facilitate the receipt of benefits for injury or death by volunteer health practitioners who reside  
474 in other states; and

475 (ii) consult with and consider the practices for filing, processing, and paying claims by  
476 agencies with similar authority in other states to promote uniformity of application of this  
477 chapter with other states that enact similar legislation.

478 (b) The Labor Commission may waive or modify requirements for filing, processing,  
479 and paying claims that unreasonably burden the volunteer health practitioners.

480 Section 15. Section **58-78-701** is enacted to read:

481 **Part 7. Uniformity of Application and Construction**

482 **58-78-701. Uniformity of application and construction.**

483 In applying and construing this chapter, consideration must be given to the need to  
484 promote uniformity of the law with respect to its subject matter among states that enact it.

485 Section 16. **Effective date.**

486 This bill takes effect on July 1, 2008.

---

---

Legislative Review Note  
as of 1-14-08 10:06 AM

Office of Legislative Research and General Counsel

---

---

**S.B. 66 - Uniform Emergency Volunteer Health Practitioners Act**

**Fiscal Note**

2008 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

---