

Senator Lyle W. Hillyard proposes the following substitute bill:

UNIFORM EMERGENCY VOLUNTEER HEALTH

PRACTITIONERS ACT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: R. Curt Webb

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ provides for the registration and regulation of volunteer health practitioners from outside of Utah;
 - ▶ authorizes Utah to regulate, direct, and restrict the scope and extent of services provided by volunteer health practitioners;
 - ▶ provides limitations on the civil liability exposure of volunteer health practitioners;
- and
- ▶ allows volunteer health practitioners who suffer injury or death while providing services the option to elect workers' compensation benefits as an exclusive remedy.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2008.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **58-1-307**, as last amended by Laws of Utah 2006, Chapters 206 and 239

31 **58-13-2**, as last amended by Laws of Utah 2007, Chapter 306

32 ENACTS:

33 **26-49-101**, Utah Code Annotated 1953

34 **26-49-102**, Utah Code Annotated 1953

35 **26-49-103**, Utah Code Annotated 1953

36 **26-49-201**, Utah Code Annotated 1953

37 **26-49-202**, Utah Code Annotated 1953

38 **26-49-203**, Utah Code Annotated 1953

39 **26-49-204**, Utah Code Annotated 1953

40 **26-49-205**, Utah Code Annotated 1953

41 **26-49-301**, Utah Code Annotated 1953

42 **26-49-401**, Utah Code Annotated 1953

43 **26-49-501**, Utah Code Annotated 1953

44 **26-49-601**, Utah Code Annotated 1953

45 **26-49-701**, Utah Code Annotated 1953

46 **58-1-405**, Utah Code Annotated 1953



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

49 Section 1. Section **26-49-101** is enacted to read:

50 **CHAPTER 49 UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS**

51 **ACT**

52 **Part 1. General Provisions**

53 **26-49-101. Title.**

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

55 Section 2. Section **26-49-102** is enacted to read:

56 **26-49-102. Definitions.**

57 As used in this chapter:

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

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

60 (a) provides emergency or disaster relief services that include health or veterinary

61 services provided by volunteer health practitioners;

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

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

64 (i) an agency of the federal government;

65 (ii) the state Department of Health; or

66 (iii) a local health department; and

67 (c) regularly plans and conducts its activities in coordination with:

68 (i) an agency of the federal government;

69 (ii) the Department of Health; or

70 (iii) a local health department.

71 (3) "Emergency" means a "state of emergency" as defined in Section 63-5a-2.

72 (4) "Emergency declaration" shall have the meaning provided for in Sections 63-5a-5

73 and 63-5a-6.

74 (5) "Emergency Management Assistance Compact" means the interstate compact

75 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title

76 53, Chapter 2, Part 2, Emergency Management Assistance Compact.

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

78 (7) "Health facility" means an entity licensed under the laws of this or another state to

79 provide health or veterinary services.

80 (8) "Health practitioner" means an individual licensed under Utah law or another state

81 to provide health or veterinary services.

82 (9) "Health services" means the provision of treatment, care, advice, guidance, other

83 services, or supplies related to the health or death of individuals or human populations, to the

84 extent necessary to respond to an emergency, including:

85 (a) the following, concerning the physical or mental condition or functional status of an

86 individual or affecting the structure or function of the body:

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

- 88 (ii) counseling, assessment, procedures, or other services;
89 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
90 in accordance with a prescription; and
91 (c) funeral, cremation, cemetery, or other mortuary services.
92 (10) "Host entity":
93 (a) means an entity operating in Utah that:
94 (i) uses volunteer health practitioners to respond to an emergency; and
95 (ii) is responsible during an emergency, for actually delivering health services to
96 individuals or human populations, or veterinary services to animals or animal populations; and
97 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
98 health care provider offices, or any other place where volunteer health practitioners may
99 provide health or veterinary services.
100 (11) (a) "License" means authorization by a state to engage in health or veterinary
101 services that are unlawful without authorization.
102 (b) "License" includes authorization under this title to an individual to provide health
103 or veterinary services based upon a national or state certification issued by a public or private
104 entity.
105 (12) "Local health department" shall have the meaning provided for in Subsection
106 26A-1-102(5).
107 (13) "Person" means an individual, corporation, business trust, trust, partnership,
108 limited liability company, association, joint venture, public corporation, government or
109 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
110 (14) "Scope of practice" means the extent of the authorization to provide health or
111 veterinary services granted to a health practitioner by a license issued to the practitioner in the
112 state in which the principal part of the practitioner's services are rendered, including any
113 conditions imposed by the licensing authority.
114 (15) "State" means:
115 (a) a state of the United States;
116 (b) the District of Columbia;
117 (c) Puerto Rico;
118 (d) the United States Virgin Islands; or

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

120 (16) "Veterinary services" shall have the meaning provided for in Subsection

121 58-28-102(11).

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

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

127 (i) not a Utah resident; and

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

130 Section 3. Section **26-49-103** is enacted to read:

131 **26-49-103. Applicability to volunteer health practitioners.**

132 This chapter applies to volunteer health practitioners who:

133 (1) are registered with a registration system that complies with Section 26-49-202; and

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

136 Section 4. Section **26-49-201** is enacted to read:

137 **Part 2. Regulation, Registration, Licensing, and Administrative Sanctions of Volunteer**
138 **Health Practitioners**

139 **26-49-201. Regulation of services during emergency.**

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

142 (a) the duration of practice by volunteer health practitioners;

143 (b) the geographical areas in which volunteer health practitioners may practice;

144 (c) the types of volunteer health practitioners who may practice; and

145 (d) any other matters necessary to coordinate effectively the provision of health or
146 veterinary services during the emergency.

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

150 Procedures Act.

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

153 (a) to the extent practicable and in order to provide for the efficient and effective use of
154 volunteer health practitioners, consult and coordinate its activities with:

155 (i) the Department of Health;

156 (ii) local health departments; or

157 (iii) the Utah Department of Agriculture and Food;

158 (b) comply with all state and federal laws relating to the management of emergency
159 health or veterinary services.

160 Section 5. Section **26-49-202** is enacted to read:

161 **26-49-202. Volunteer health practitioner registration systems.**

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

164 (a) accept applications for the registration of volunteer health practitioners before or
165 during an emergency;

166 (b) include information about the licensure and good standing of health practitioners
167 that is accessible by authorized persons;

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

171 (d) meet one of the following conditions:

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

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

179 (iii) be operated by a:

180 (A) disaster relief organization;

- 181 (B) licensing board;
- 182 (C) national or regional association of licensing boards or health practitioners;
- 183 (D) health facility that provides comprehensive inpatient and outpatient health-care
- 184 services, including tertiary care; or
- 185 (E) governmental entity; or
- 186 (iv) be designated by the Department of Health as a registration system for purposes of
- 187 this chapter.

188 (2) (a) Subject to Subsection (2)(b), while an emergency declaration is in effect, the

189 Department of Health, a person authorized to act on behalf of the Department of Health, or a

190 host entity shall confirm whether a volunteer health practitioner in Utah is registered with a

191 registration system that complies with Subsection (1).

192 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the

193 identity of the practitioner from the system and determining whether the system indicates that

194 the practitioner is licensed and in good standing.

195 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized

196 person in another state, a registration system located in Utah shall notify the person of the

197 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is

198 licensed and in good standing.

199 (4) A host entity is not required to use the services of a volunteer health practitioner

200 even if the volunteer health practitioner is registered with a registration system that indicates

201 that the practitioner is licensed and in good standing.

202 Section 6. Section **26-49-203** is enacted to read:

203 **26-49-203. Recognition of volunteer health practitioners licensed in other states.**

204 (1) While an emergency declaration is in effect, a volunteer health practitioner

205 registered with a registration system that complies with Section 26-49-202 and licensed and in

206 good standing in the state upon which the practitioner's registration is based:

207 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner

208 were licensed in Utah; and

209 (b) is exempt from:

210 (i) licensure in Utah; or

211 (ii) operating under modified scope of practice provisions in accordance with

212 Subsections 58-1-307(4) and (5).

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

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

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

219 Section 7. Section **26-49-204** is enacted to read:

220 **26-49-204. No effect on credentialing and privileging.**

221 (1) For purposes of this section:

222 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
223 health practitioner to provide treatment, care, or services.

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

228 (2) This chapter does not affect credentialing or privileging standards of a health
229 facility, and does not preclude a health facility from waiving or modifying those standards
230 while an emergency declaration is in effect.

231 Section 8. Section **26-49-205** is enacted to read:

232 **26-49-205. Provision of volunteer health or veterinary services -- Administrative**
233 **sanctions -- Authority of Division of Occupational and Professional Licensing.**

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

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

241 (3) (a) In accordance with this section and Section 58-1-405, the Division of
242 Occupational and Professional Licensing may issue an order modifying or restricting the health

243 or veterinary services that volunteer health practitioners may provide pursuant to this chapter.

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

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

250 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless
251 the volunteer health practitioner has reason to know of any limitation, modification, or
252 restriction under this chapter, Title 58, Division of Occupational and Professional Licensing
253 Act, or that a similarly licensed practitioner in Utah would not be permitted to provide the
254 services.

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

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

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

263 (A) the limitation, modification, or restriction exists; or

264 (B) a similarly licensed practitioner in Utah would not be permitted to provide the
265 service.

266 (6) In addition to the authority granted by law of Utah other than this chapter to
267 regulate the conduct of volunteer health practitioners, the Division of Occupational and
268 Professional Licensing Act or other disciplinary authority in Utah:

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

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

273 (c) shall report any administrative sanctions imposed upon a volunteer health

274 practitioner licensed in another state to the appropriate licensing board or other disciplinary
275 authority in any other state in which the volunteer health practitioner is known to be licensed.

276 (7) In determining whether or not to impose administrative sanctions under Subsection
277 (6), the Division of Occupational and Professional Licensing Act or other disciplinary authority
278 shall consider the circumstances in which the conduct took place, including:

279 (a) any exigent circumstances; and

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

282 Section 9. Section **26-49-301** is enacted to read:

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

284 **26-49-301. Relation to other laws.**

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

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

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

294 Section 10. Section **26-49-401** is enacted to read:

295 **Part 4. Regulatory Authority**

296 **26-49-401. Regulatory authority.**

297 (1) The Department of Health shall make rules by following the procedures and
298 requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

299 (2) Before adopting rules under Subsection (1), the Department of Health shall consult
300 and consider:

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

303 (b) rules adopted by similarly empowered agencies in other states in order to promote
304 uniformity of application of this chapter and make the emergency response systems in the

305 various states reasonably compatible.

306 Section 11. Section **26-49-501** is enacted to read:

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

308 **26-49-501. Limitations on civil liability for volunteer health practitioners.**

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

311 Section 12. Section **26-49-601** is enacted to read:

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

313 **26-49-601. Workers' compensation coverage.**

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

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

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

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

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

325 (4) (a) In accordance with Section 34A-2-105, the workers' compensation benefits
326 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or
327 employee of the state, for all injuries and occupational diseases resulting from the volunteer
328 health practitioner's services for the state.

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

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

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

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

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

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

344 Section 13. Section **26-49-701** is enacted to read:

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

346 **26-49-701. Uniformity of application and construction.**

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

349 Section 14. Section **58-1-307** is amended to read:

350 **58-1-307. Exemptions from licensure.**

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

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

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

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

366 (d) an individual residing in another state and licensed to practice a regulated

367 occupation or profession in that state, who is called in for a consultation by an individual
368 licensed in this state, and the services provided are limited to that consultation;

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

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

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

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

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

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

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

389 (iii) for a limited period of time not to exceed the duration of that event, together with
390 any necessary preparatory and conclusionary periods; and

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

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

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

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

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

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

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

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

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

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

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

420 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure
421 Compact;

422 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

423 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
424 Pharmacy Practice Act;

425 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;

426 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
427 Practice Act; and

428 (vii) a physician assistant under Chapter 70a, Physician Assistant Act;

429 (c) suspend the requirements for licensure under this title and modify the scope of
430 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
431 services personnel or paramedics required to be certified under Section 26-8a-302;

432 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
433 certain prescriptive procedures; ~~and~~

434 (e) exempt or modify the requirement for licensure of an individual who is activated as
435 a member of a medical reserve corps during a time of emergency as provided in Section
436 26A-1-126[-]; and

437 (f) exempt or modify the requirement for licensure of an individual who is registered as
438 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
439 Volunteer Health Practitioners Act.

440 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
441 modified scope of practice provisions under Subsection (4)(b):

442 (a) are exempt from licensure or subject to modified scope of practice for the duration
443 of the emergency;

444 (b) must be engaged in the distribution of medicines or medical devices in response to
445 the emergency or declaration; and

446 (c) must be employed by or volunteering for:

447 (i) a local or state department of health[-]; or

448 (ii) a host entity as defined in Section 26-49-102.

449 Section 15. Section **58-1-405** is enacted to read:

450 **58-1-405. Provisions of volunteer health or veterinary services -- Division**
451 **authority.**

452 In accordance with Section 26-49-205, the division may pursue actions against a
453 volunteer health practitioner operating under Title 26, Chapter 49, Uniform Emergency
454 Volunteer Health Practitioners Act.

455 Section 16. Section **58-13-2** is amended to read:

456 **58-13-2. Emergency care rendered by licensee.**

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

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

- 462 (a) osteopathic physician;
- 463 (b) physician and surgeon;
- 464 (c) naturopathic physician;
- 465 (d) dentist or dental hygienist;
- 466 (e) chiropractic physician;
- 467 (f) physician assistant;
- 468 (g) optometrist;
- 469 (h) nurse licensed under Section 58-31b-301 or 58-31c-102;
- 470 (i) podiatrist;
- 471 (j) certified nurse midwife;
- 472 (k) respiratory care practitioner;
- 473 (l) pharmacist, pharmacy technician, and pharmacy intern; ~~[or]~~
- 474 (m) Direct-entry midwife licensed under Section 58-77-301~~[-];~~ or
- 475 (n) veterinarian.

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

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

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

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

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

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

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

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

488 (c) who is acting as a volunteer health practitioner under Title 26, Chapter 49, Uniform
489 Emergency Volunteer Health Practitioners Act.

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

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

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

496 (b) investigating and controlling suspected bioterrorism and disease as set out in Title
497 26, Chapter 23b, Detection of Public Health Emergencies Act; and

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

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

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

504 (a) food supplied to the volunteer;

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

507 (c) other similar support for the volunteer.

508 **Section 17. Effective date.**

509 This bill takes effect on July 1, 2008.

Fiscal Note

**S.B. 66 1st Sub. (Green) - Uniform Emergency Volunteer Health Practitioners
Act**

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.
