

**RETIREED VOLUNTEER HEALTH CARE**

**PRACTITIONER ACT**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melvin R. Brown**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts the Retired Volunteer Health Care Practitioner Act in the Occupations and Professions Code.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes eligibility for a volunteer health care practitioner license;
- ▶ provides a waiver of fees for licensing of a volunteer health care practitioner;
- ▶ limits the practice of a volunteer health care practitioner to exclusive charity care at charity locations; and
- ▶ requires supervision of a volunteer health care practitioner.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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



28 58-78-103, Utah Code Annotated 1953  
29 58-78-104, Utah Code Annotated 1953



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

32 Section 1. Section 58-78-101 is enacted to read:

33 **CHAPTER 78. RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT**

34 **58-78-101. Title.**

35 This chapter is known as the "Retired Volunteer Health Care Practitioner Act."

36 Section 2. Section 58-78-102 is enacted to read:

37 **58-78-102. Definitions.**

38 For purposes of this chapter:

39 (1) "Board" means the state licensing board created for each of the health care  
40 practitioners included in Subsection (2).

41 (2) "Health care practitioner" includes:

42 (a) a physical therapist licensed under Chapter 24a, Physical Therapist Practice Act;

43 (b) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse

44 Practice Act;

45 (c) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;

46 (d) a mental health professional licensed under Chapter 60, Mental Health Professional

47 Practice Act;

48 (e) a physician licensed under Chapter 67, Utah Medical Practice Act;

49 (f) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;

50 (g) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental

51 Hygienist Practice Act; or

52 (h) a physician assistant licensed under Chapter 70a, Physician Assistant Act.

53 (3) "Qualified location" means:

54 (a) a clinic, hospital, church, or organization whose primary purposes is to sponsor,

55 promote, or organize uncompensated health care services for people unable to pay for health

56 care services; and

57 (b) is a location approved by the division.

58 (4) "Remuneration or compensation" is as defined in Section 58-13-3.

- 59 (5) "Supervising professional" means a health care practitioner:
- 60 (a) who has an active license in the state in good standing;
- 61 (b) with a scope of practice that is appropriate for supervising the applicant as
- 62 determined by the board; and
- 63 (c) who is practicing at the qualified location.
- 64 (6) "Volunteer" means the individual health care practitioner:
- 65 (a) will devote the health care practitioner's practice exclusively to providing medical
- 66 care to the needy and indigent in the state;
- 67 (b) will agree to donate at least 50 hours of professional services in a calendar year in a
- 68 qualified location; and
- 69 (c) will not receive remuneration or compensation for the health care practitioner's
- 70 services.

71 Section 3. Section **58-78-103** is enacted to read:

72 **58-78-103. Eligibility for volunteer health care practitioner license.**

73 A health care practitioner is eligible to apply to the board for a volunteer health care

74 practitioner license if the health care practitioner:

- 75 (1) certifies to the board that the applicant will be engaged exclusively in volunteer
- 76 health care services; and
- 77 (2) completes an application for a volunteer health care practitioner license, which
- 78 includes documentation:
- 79 (a) of professional education and graduation;
- 80 (b) of practice history;
- 81 (c) of a qualified location for which the health care practitioner will be practicing;
- 82 (d) of a supervising health care practitioner and the supervising health care practitioner's
- 83 agreement to accept supervising authority; and
- 84 (e) that the applicant has:
- 85 (i) previously been issued an unrestricted license to practice in Utah or another state of
- 86 the United States;
- 87 (ii) never been the subject of any significant disciplinary action in any jurisdiction; and
- 88 (iii) is in good health and is not currently undergoing treatment for any physical or
- 89 mental condition which would impair the health care practitioner's ability to practice with

90 reasonable skill and safety to patients.

91 Section 4. Section **58-78-104** is enacted to read:

92 **58-78-104. Volunteer health care practitioner license -- Waiver of fees --**

93 **Rulemaking authority.**

94 (1) The division shall issue a volunteer health care practitioner license to an applicant  
95 who:

96 (a) completes an application under Section 58-78-103; and

97 (b) meets the requirements of this chapter.

98 (2) A license issued under this chapter shall:

99 (a) comply with the scope of practice for a similarly situated licensed practitioner,

100 except that the license shall limit the health care practitioner's practice to the qualified location;

101 (b) permit the health care practitioner to apply for a controlled substance registration as  
102 permitted for other similarly situated licensed practitioners; and

103 (c) state that the license is a volunteer health care practitioner license and is subject to  
104 the restriction of Subsection (2)(a).

105 (3) The division and board shall waive all fees, including application fees, examination  
106 fees, and annual re-registration fees for an applicant who applies for a volunteer health care  
107 practitioner license and who otherwise meets licensure requirements.

108 (4) The division and a board may adopt rules in accordance with Title 63G, Chapter 3,  
109 Utah Administrative Rulemaking Act, to:

110 (a) approve the charity locations that qualify under Section 58-78-102;

111 (b) designate standards for proof of supervision and the terms of supervision under  
112 Section 58-78-103; and

113 (c) implement the provisions of this chapter.

114 (5) A health care practitioner who is licensed as a volunteer health care practitioner  
115 under this chapter is entitled to qualified immunity for charity care if the health care  
116 practitioner meets the requirements of Section 58-13-3.

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**Legislative Review Note**  
as of 1-7-09 4:32 PM

**Office of Legislative Research and General Counsel**

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**H.B. 121 - Retired Volunteer Health Care Practitioner Act**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. Depending on the number of applications that are processed, transfers from the Commerce Service Fund to the General Fund may be reduced.

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**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.

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