

Part 2
Regulation, Registration, and Licensing of Volunteer
Health Practitioners - Administrative Sanctions

26-49-201 Regulation of services during emergency.

- (1) While an emergency declaration is in effect, the Department of Health or a local health department may limit, restrict, or otherwise regulate:
 - (a) the duration of practice by volunteer health practitioners;
 - (b) the geographical areas in which volunteer health practitioners may practice;
 - (c) the types of volunteer health practitioners who may practice; and
 - (d) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.
- (2) An order issued under Subsection (1) takes effect immediately, without prior notice or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4, Administrative Procedures Act.
- (3) A host entity that uses volunteer health practitioners to provide health or veterinary services in Utah shall:
 - (a) to the extent practicable and in order to provide for the efficient and effective use of volunteer health practitioners, consult and coordinate its activities with:
 - (i) the Department of Health;
 - (ii) local health departments; or
 - (iii) the Utah Department of Agriculture and Food;
 - (b) comply with all state and federal laws relating to the management of emergency health or veterinary services.

Enacted by Chapter 242, 2008 General Session

26-49-202 Volunteer health practitioner registration systems.

- (1) To qualify as a volunteer health practitioner registration system, the registration system shall:
 - (a) accept applications for the registration of volunteer health practitioners before or during an emergency;
 - (b) include information about the licensure and good standing of health practitioners that is accessible by authorized persons;
 - (c) be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under this chapter; and
 - (d) meet one of the following conditions:
 - (i) be an emergency system for advance registration of volunteer health practitioners established by a state and funded through the United States Department of Health and Human Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as amended;
 - (ii) be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42 U.S.C. Sec. 300hh as amended;
 - (iii) be operated by a:
 - (A) disaster relief organization;

- (B) licensing board;
 - (C) national or regional association of licensing boards or health practitioners;
 - (D) health facility that provides comprehensive inpatient and outpatient healthcare services, including tertiary care; or
 - (E) governmental entity; or
- (iv) be designated by the Department of Health as a registration system for purposes of this chapter.
- (2)
- (a) Subject to Subsection (2)(b), while an emergency declaration is in effect, the Department of Health, a person authorized to act on behalf of the Department of Health, or a host entity shall confirm whether a volunteer health practitioner in Utah is registered with a registration system that complies with Subsection (1).
 - (b) The confirmation authorized under this Subsection (2) is limited to obtaining the identity of the practitioner from the system and determining whether the system indicates that the practitioner is licensed and in good standing.
- (3) Upon request of a person authorized under Subsection (2), or a similarly authorized person in another state, a registration system located in Utah shall notify the person of the identity of a volunteer health practitioner and whether or not the volunteer health practitioner is licensed and in good standing.
- (4) A host entity is not required to use the services of a volunteer health practitioner even if the volunteer health practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

Amended by Chapter 297, 2011 General Session

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

- (1) While an emergency declaration is in effect, a volunteer health practitioner registered with a registration system that complies with Section 26-49-202 and licensed and in good standing in the state upon which the practitioner's registration is based:
- (a) may practice in Utah to the extent authorized by this chapter as if the practitioner were licensed in Utah; and
 - (b) is exempt from:
 - (i) licensure in Utah; or
 - (ii) operating under modified scope of practice provisions in accordance with Subsections 58-1-307(4) and (5).
- (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the protections of this chapter if the practitioner is licensed in more than one state and any license of the practitioner:
- (a) is suspended, revoked, or subject to an agency order limiting or restricting practice privileges; or
 - (b) has been voluntarily terminated under threat of sanction.

Enacted by Chapter 242, 2008 General Session

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

- (1) For purposes of this section:
- (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services.

- (b) "Privileging" means the authorizing by an appropriate authority of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.
- (2) This chapter does not affect credentialing or privileging standards of a health facility, and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

Enacted by Chapter 242, 2008 General Session

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

- (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other Utah laws.
- (2) Except as otherwise provided in Subsection (3), this chapter does not authorize a volunteer health practitioner to provide services that are outside the volunteer health practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be permitted to provide the services.
- (3)
 - (a) In accordance with this section and Section 58-1-405, the Division of Occupational and Professional Licensing may issue an order modifying or restricting the health or veterinary services that volunteer health practitioners may provide pursuant to this chapter.
 - (b) An order under this subsection takes effect immediately, without prior notice or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative Procedures Act.
- (4) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide under this chapter.
- (5)
 - (a) A volunteer health practitioner does not engage in unauthorized practice unless the volunteer health practitioner has reason to know of any limitation, modification, or restriction under this chapter, Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to provide the services.
 - (b) A volunteer health practitioner has reason to know of a limitation, modification, or restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a service, if:
 - (i) the volunteer health practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Utah would not be permitted to provide the service; or
 - (ii) from all the facts and circumstances known to the volunteer health practitioner at the relevant time, a reasonable person would conclude that:
 - (A) the limitation, modification, or restriction exists; or
 - (B) a similarly licensed practitioner in Utah would not be permitted to provide the service.
- (6) In addition to the authority granted by law of Utah other than this chapter to regulate the conduct of volunteer health practitioners, the Division of Occupational and Professional Licensing Act or other disciplinary authority in Utah:
 - (a) may impose administrative sanctions upon a volunteer health practitioner licensed in Utah for conduct outside of Utah in response to an out-of-state emergency;
 - (b) may impose administrative sanctions upon a volunteer health practitioner not licensed in Utah for conduct in Utah in response to an in-state emergency; and

- (c) shall report any administrative sanctions imposed upon a volunteer health practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the volunteer health practitioner is known to be licensed.
- (7) In determining whether or not to impose administrative sanctions under Subsection (6), the Division of Occupational and Professional Licensing Act or other disciplinary authority shall consider the circumstances in which the conduct took place, including:
 - (a) any exigent circumstances; and
 - (b) the volunteer health practitioner's scope of practice, education, training, experience, and specialized skill.

Enacted by Chapter 242, 2008 General Session