

Representative Melvin R. Brown proposes the following substitute bill:

RETIREED VOLUNTEER HEALTH CARE

PRACTITIONER ACT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Kevin T. Van Tassell

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 division fees for licensing of a volunteer health care

practitioner;

▶ limits the practice of a volunteer health care practitioner to exclusive charity care at a charity location; and

- ▶ requires supervision of a volunteer health care practitioner.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **58-78-101**, Utah Code Annotated 1953

28 **58-78-102**, Utah Code Annotated 1953

29 **58-78-103**, Utah Code Annotated 1953

30 **58-78-104**, Utah Code Annotated 1953

31

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

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

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

35 **58-78-101. Title.**

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

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

38 **58-78-102. Definitions.**

39 For purposes of this chapter:

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

42 (2) "Health care practitioner" includes:

43 (a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;

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

45 (c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse
46 Practice Act;

47 (d) a recreational therapist licensed under Chapter 40, Recreational Therapist Practice
48 Act;

49 (e) an occupational therapist licensed under Chapter 42a, Occupational Therapy
50 Practice Act;

51 (f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;

52 (g) a mental health professional licensed under Chapter 60, Mental Health Professional
53 Practice Act;

54 (h) a physician licensed under Chapter 67, Utah Medical Practice Act;

55 (i) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;

56 (j) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental

57 Hygienist Practice Act; ~~H→~~ [or] ~~←H~~

58 (k) a physician assistant licensed under Chapter 70a, Physician Assistant Act ~~H→~~ ;

58a (l) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or

58b (m) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act ~~←H~~ .

59 (3) "Qualified location" means:

60 (a) a clinic, hospital, church, or organization whose primary purposes is to sponsor,
61 promote, or organize uncompensated health care services for people unable to pay for health
62 care services; and

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

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

65 (5) "Supervision" means:

66 (a) the level of supervision required for:

67 (i) a social service worker in Chapter 60, Mental Health Profession Practice Act;

68 (ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;

69 (iii) a recreational therapist technician in Chapter 40, Recreational Therapist Practice
70 Act; and

71 (iv) an occupational technician assistant in Chapter 42, Occupational Therapy Practice
72 Act; and

73 (b) for the health care practitioners listed in Subsections (2)(a) through ~~H→~~ [(j)] (m) ~~←H~~
73a and not

74 included in Subsection (5)(a):

75 (i) entering into a delegation of service agreement with a supervising professional in
76 accordance with Subsection 58-78-103(2);

77 (ii) having the ability to contact the supervising professional during the time the
78 volunteer is providing volunteer services; and

79 (iii) for every 40 hours of volunteer service hours, meeting with the supervising
80 professional.

81 (6) "Supervising professional" means a health care practitioner:

82 (a) who has an active license in the state in good standing;

83 (b) with a scope of practice that is appropriate for supervising the applicant as
84 determined by the division and board; and

85 (c) who is practicing at the qualified location.

86 (7) "Volunteer" means the individual health care practitioner:

87 (a) will devote the health care practitioner's practice exclusively to providing care to

88 the needy and indigent in the state:

89 (i) within:

90 (A) the practitioner's scope of practice; and

91 (B) the delegation of service agreement between the volunteer and the supervising

92 professional; and

93 (ii) at a qualified location;

94 (b) will agree to donate professional services in a qualified location; and

95 (c) will not receive remuneration or compensation for the health care practitioner's

96 services.

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

98 **58-78-103. Eligibility for volunteer health care practitioner license -- Delegation of**
99 **service agreement.**

100 (1) A health care practitioner is eligible to apply to the division and board for a
101 volunteer health care practitioner license if the health care practitioner:

102 (a) certifies to the division and board that the applicant will be engaged exclusively in
103 volunteer health care services; and

104 (b) completes an application for a volunteer health care practitioner license, which
105 includes documentation:

106 (i) of professional education, exams passed, and graduation;

107 (ii) of practice history;

108 (iii) of a qualified location for which the health care practitioner will be practicing;

109 (iv) identifying the supervising health care practitioner and the supervising health care
110 practitioner's delegation of service agreement with the volunteer practitioner; and

111 (v) that the applicant has:

112 (A) previously been issued an unrestricted license to practice in Utah or another state
113 of the United States;

114 (B) never been the subject of any significant disciplinary action in any jurisdiction; and

115 (C) is in good health and does not have a condition which would impair the health care
116 practitioner's ability to practice with reasonable skill and safety to patients.

117 (2) A health care provider who has agreed to be a supervising professional for a
118 volunteer at a qualified location shall:

- 119 (a) enter into a delegation of service agreement with the volunteer health care
- 120 practitioner;
- 121 (b) agree to provide the level of supervision required in Subsection 58-78-102(5);
- 122 (c) determine with the volunteer whether the volunteer's scope of practice or ability to
- 123 prescribe controlled substances will be limited by the delegation of service agreement;
- 124 (d) include in the delegation of service agreement that the volunteer may not prescribe
- 125 a controlled substances to himself, the volunteer's family, or a staff member of the qualified
- 126 location; and
- 127 (e) forward the delegation of service agreement to the division.

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

129 **58-78-104. Volunteer health care practitioner license -- Waiver of fees --**

130 **Rulemaking authority.**

131 (1) The division and board shall issue a volunteer health care practitioner license to an

132 applicant who:

- 133 (a) completes an application under Section 58-78-103; and
- 134 (b) meets the requirements of this chapter.

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

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

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

138 (b) permit the health care practitioner to apply for a controlled substance license as

139 permitted for other similarly situated licensed practitioners; and

140 (c) state that the license is a volunteer health care practitioner license and is subject to

141 the restriction of Subsection (2)(a).

142 (3) The division and board shall waive all division fees, including application fees,

143 examination fees, and annual renewal fees for an applicant who applies for a volunteer health

144 care practitioner license and who otherwise meets licensure requirements.

145 (4) The division and a board may adopt rules in accordance with Title 63G, Chapter 3,

146 Utah Administrative Rulemaking Act, to:

- 147 (a) approve the charity locations that qualify under Section 58-78-102;
- 148 (b) develop standards for the information that must be included in a delegation of
- 149 service agreement, including a standard form that a supervising professional may use; and

150 (c) implement the provisions of this chapter.
151 (5) A health care practitioner who is licensed as a volunteer health care practitioner
152 under this chapter is entitled to qualified immunity for charity care if the health care
153 practitioner meets the requirements of Section 58-13-3.

H.B. 121 2nd Sub. (Gray) - Retired Volunteer Health Care Practitioner Act

Fiscal Note

2009 General Session

State of Utah

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.

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.
