

1 **RETIRED VOLUNTEER HEALTH CARE**

2 **PRACTITIONER ACT**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Melvin R. Brown**

6 Senate Sponsor: Kevin T. Van Tassell

7	Cosponsors:	Gage Froerer	Brian S. King
8	Sheryl L. Allen	Kevin S. Garn	David Litvack
9	Jackie Biskupski	Francis D. Gibson	Michael T. Morley
10	Stephen D. Clark	James R. Gowans	Carol Spackman Moss
11	Susan Duckworth	Neil A. Hansen	Michael E. Noel
12	James A. Dunnigan	Christine A. Johnson	Patrick Painter

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**LONG TITLE**

14 **General Description:**

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

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ defines terms;
- 20 ▶ establishes eligibility for a volunteer health care practitioner license;
- 21 ▶ provides a waiver of division fees for licensing of a volunteer health care  
22 practitioner;
- 23 ▶ limits the practice of a volunteer health care practitioner to exclusive charity care at  
24 a charity location; and
- 25 ▶ requires supervision of a volunteer health care practitioner.

26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None  
30

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **58-78-101**, Utah Code Annotated 1953

34 **58-78-102**, Utah Code Annotated 1953

35 **58-78-103**, Utah Code Annotated 1953

36 **58-78-104**, Utah Code Annotated 1953



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

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

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

41 **58-78-101. Title.**

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

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

44 **58-78-102. Definitions.**

45 For purposes of this chapter:

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

48 (2) "Health care practitioner" includes:

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

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

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

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

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

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

58 (g) a mental health professional licensed under Chapter 60, Mental Health

59 Professional Practice Act;

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

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

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

63 Hygienist Practice Act;

64 (k) a physician assistant licensed under Chapter 70a, Physician Assistant Act;

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

66 (m) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act.

67 (3) "Qualified location" means:

68 (a) a clinic, hospital, church, or organization whose primary purpose is to sponsor,  
69 promote, or organize uncompensated health care services for people unable to pay for health  
70 care services; and

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

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

73 (5) "Supervising professional" means a health care practitioner:

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

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

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

78 (6) "Supervision" means:

79 (a) the level of supervision required for:

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

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

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

84 (iv) an occupational technician assistant in Chapter 42a, Occupational Therapy

85 Practice Act; and

86 (b) for the health care practitioners listed in Subsections (2)(a) through (m) and not

87 included in Subsection (5)(a):

88 (i) entering into a delegation of service agreement with a supervising professional in  
89 accordance with Subsection 58-78-103(2):

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

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

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

95 (a) will devote the health care practitioner's practice exclusively to providing care to  
96 the needy and indigent in the state:

97 (i) within:

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

99 (B) the delegation of service agreement between the volunteer and the supervising  
100 professional; and

101 (ii) at a qualified location;

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

103 (c) will not receive remuneration or compensation for the health care practitioner's  
104 services.

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

106 **58-78-103. Eligibility for volunteer health care practitioner license -- Delegation**  
107 **of service agreement.**

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

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

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

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

- 115 (ii) of practice history;
- 116 (iii) of a qualified location for which the health care practitioner will be practicing;
- 117 (iv) identifying the supervising health care practitioner and the supervising health care
- 118 practitioner's delegation of service agreement with the volunteer practitioner; and
- 119 (v) that the applicant has:
- 120 (A) previously been issued an unrestricted license to practice in Utah or another state
- 121 of the United States;
- 122 (B) never been the subject of any significant disciplinary action in any jurisdiction;
- 123 and
- 124 (C) is in good health and does not have a condition which would impair the health
- 125 care practitioner's ability to practice with reasonable skill and safety to patients.
- 126 (2) A health care provider who has agreed to be a supervising professional for a
- 127 volunteer at a qualified location shall:
- 128 (a) enter into a delegation of service agreement with the volunteer health care
- 129 practitioner;
- 130 (b) agree to provide the level of supervision required in Subsection 58-78-102(5);
- 131 (c) determine with the volunteer whether the volunteer's scope of practice or ability to
- 132 prescribe controlled substances will be limited by the delegation of service agreement;
- 133 (d) include in the delegation of service agreement that the volunteer may not prescribe
- 134 a controlled substance to himself, the volunteer's family, or a staff member of the qualified
- 135 location; and
- 136 (e) forward the delegation of service agreement to the division.

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

138 **58-78-104. Volunteer health care practitioner license -- Waiver of fees --**

139 **Rulemaking authority.**

- 140 (1) The division and board shall issue a volunteer health care practitioner license to an
- 141 applicant who:
- 142 (a) completes an application under Section 58-78-103; and

143           (b) meets the requirements of this chapter.  
144           (2) A license issued under this chapter shall:  
145           (a) comply with the scope of practice for a similarly situated licensed practitioner,  
146 except that the license shall limit the health care practitioner's practice to the qualified  
147 location;  
148           (b) permit the health care practitioner to apply for a controlled substance license as  
149 permitted for other similarly situated licensed practitioners; and  
150           (c) state that the license is a volunteer health care practitioner license and is subject to  
151 the restriction of Subsection (2)(a).  
152           (3) The division and board shall waive all division fees, including application fees,  
153 examination fees, and annual renewal fees for an applicant who applies for a volunteer health  
154 care practitioner license and who otherwise meets licensure requirements.  
155           (4) The division and board may adopt rules in accordance with Title 63G, Chapter 3,  
156 Utah Administrative Rulemaking Act, to:  
157           (a) approve the charity locations that qualify under Section 58-78-102;  
158           (b) develop standards for the information that must be included in a delegation of  
159 service agreement, including a standard form that a supervising professional may use; and  
160           (c) implement the provisions of this chapter.  
161           (5) A health care practitioner who is licensed as a volunteer health care practitioner  
162 under this chapter is entitled to qualified immunity for charity care if the health care  
163 practitioner meets the requirements of Section 58-13-3.