

**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: \_\_\_\_\_

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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 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

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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; or

58 (k) a physician assistant licensed under Chapter 70a, Physician Assistant Act.

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) "Supervising professional" means a health care practitioner:

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

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

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

70 (6) "Volunteer" means the individual health care practitioner:

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

73 (i) within the practitioner's scope of practice; and

74 (ii) at a qualified location;

75 (b) will agree to donate at least 50 hours of professional services in a calendar year in a  
76 qualified location; and

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

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

80 **58-78-103. Eligibility for volunteer health care practitioner license.**

81 A health care practitioner is eligible to apply to the board for a volunteer health care  
82 practitioner license if the health care practitioner:

83 (1) certifies to the board that the applicant will be engaged exclusively in volunteer  
84 health care services; and

85 (2) completes an application for a volunteer health care practitioner license, which  
86 includes documentation:

87 (a) of professional education and graduation;

- 88 (b) of practice history;
- 89 (c) of a qualified location for which the health care practitioner will be practicing;
- 90 (d) of a supervising health care practitioner and the supervising health care practitioner's
- 91 agreement to accept supervising authority; and
- 92 (e) that the applicant has:
  - 93 (i) previously been issued an unrestricted license to practice in Utah or another state of
  - 94 the United States;
  - 95 (ii) never been the subject of any significant disciplinary action in any jurisdiction; and
  - 96 (iii) is in good health and does not have a condition which would impair the health care
  - 97 practitioner's ability to practice with reasonable skill and safety to patients.

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

99 **58-78-104. Volunteer health care practitioner license -- Waiver of fees --**

100 **Rulemaking authority.**

101 (1) The division shall issue a volunteer health care practitioner license to an applicant

102 who:

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

104 (b) meets the requirements of this chapter.

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

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

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

108 (b) permit the health care practitioner to apply for a controlled substance registration as

109 permitted for other similarly situated licensed practitioners; and

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

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

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

113 examination fees, and annual re-registration fees for an applicant who applies for a volunteer

114 health care practitioner license and who otherwise meets licensure requirements.

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

116 Utah Administrative Rulemaking Act, to:

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

118 (b) designate standards for proof of supervision and the terms of supervision under

119 Section 58-78-103; and  
120 (c) implement the provisions of this chapter.  
121 (5) A health care practitioner who is licensed as a volunteer health care practitioner  
122 under this chapter is entitled to qualified immunity for charity care if the health care  
123 practitioner meets the requirements of Section 58-13-3.