

MEDICAL RESERVE CORPS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill amends the Local Health Authorities code and the Occupational and Professional Licensing code related to Medical Reserve Corps.

Highlighted Provisions:

This bill:

- ▶ authorizes the local health departments to train health care professionals who volunteer as medical reserve corps during public health emergencies and disasters;

and

- ▶ amends the Healthcare Providers Immunity from Liability Act to provide liability protections to the medical reserve corps who are training to respond to public health emergencies or disasters.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26A-1-126, as last amended by Laws of Utah 2011, Chapter 297

58-13-2, as last amended by Laws of Utah 2008, Chapter 242

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

Section 1. Section **26A-1-126** is amended to read:

30 **26A-1-126. Medical reserve corps.**

31 (1) In addition to the duties listed in Section 26A-1-114, a local health department may
32 establish a medical reserve corps in accordance with this section.

33 (2) The purpose of a medical reserve corps is to enable a local health authority to
34 respond with appropriate health care professionals to a national, state, or local emergency, a
35 public health emergency as defined in Section 26-23b-102, or a declaration by the president of
36 the United States or other federal official requesting public health related activities.

37 (3) (a) A local health department may train health care professionals who participate in
38 a medical reserve corps to respond to an emergency or declaration for public health related
39 activities pursuant to Subsection (2).

40 ~~[(3)]~~ (b) When an emergency or request for public health related activities has been
41 declared in accordance with Subsection (2), a local health department may activate a medical
42 reserve corps for the duration of the emergency or declaration for public health related
43 activities.

44 (4) For purposes of this section, a medical reserve corps may include persons who:

45 (a) are licensed under Title 58, Occupations and Professions, and who are operating
46 within the scope of their practice;

47 (b) are exempt from licensure, or operating under modified scope of practice
48 provisions in accordance with Subsections 58-1-307(4) and (5); and

49 (c) within the 10 years preceding the declared emergency, held a valid license, in good
50 standing in Utah, for one of the occupations described in Subsection 58-13-2(1), but the license
51 is not currently active.

52 (5) (a) Notwithstanding the provisions of Subsections 58-1-307(4)(a) and (5)(b) the
53 local health department may authorize a person described in Subsection (4) to operate in a
54 modified scope of practice as necessary to respond to the ~~[declared emergency]~~ declaration
55 under Subsection (2).

56 (b) A person operating as a member of an activated medical reserve corps or training as
57 a member of a medical reserve corps under this section:

- 58 (i) shall be volunteering for and supervised by the local health department;
- 59 (ii) shall comply with the provisions of this section;
- 60 (iii) is exempt from the licensing laws of Title 58, Occupations and Professions; and
- 61 (iv) shall carry a certificate issued by the local health department which designates the
- 62 individual as a member of the medical reserve corps during the duration of the emergency or
- 63 declaration for public health related activities pursuant to Subsection (2).

64 (6) The local department of health may access the Division of Occupational and
65 Professional Licensing database for the purpose of determining if a person's current or expired
66 license to practice in the state was in good standing.

67 (7) The local department of health shall maintain a registry of persons who are
68 members of a medical reserve corps. The registry of the medical reserve corps shall be made
69 available to the public and to the Division of Occupational and Professional Licensing.

70 Section 2. Section **58-13-2** is amended to read:

71 **58-13-2. Emergency care rendered by licensee.**

72 (1) A person licensed under Title 58, Occupations and Professions, to practice as any
73 of the following health care professionals, who is under no legal duty to respond, and who in
74 good faith renders emergency care at the scene of an emergency gratuitously and in good faith,
75 is not liable for any civil damages as a result of any acts or omissions by the person in
76 rendering the emergency care:

- 77 (a) osteopathic physician;
- 78 (b) physician and surgeon;
- 79 (c) naturopathic physician;
- 80 (d) dentist or dental hygienist;
- 81 (e) chiropractic physician;
- 82 (f) physician assistant;
- 83 (g) optometrist;
- 84 (h) nurse licensed under Section 58-31b-301 or 58-31c-102;
- 85 (i) podiatrist;

- 86 (j) certified nurse midwife;
- 87 (k) respiratory care practitioner;
- 88 (l) pharmacist, pharmacy technician, and pharmacy intern;
- 89 (m) Direct-entry midwife licensed under Section 58-77-301; or
- 90 (n) veterinarian.
- 91 (2) This Subsection (2) applies to a health care professional:
- 92 (a) (i) described in Subsection (1); and
- 93 (ii) who is under no legal duty to respond to the circumstances described in Subsection
- 94 (3);
- 95 (b) who is:
- 96 (i) (A) activated as a member of a medical reserve corps as described in Section
- 97 26A-1-126 during the time of an emergency or declaration for public health related activities as
- 98 provided in [Section] Subsection 26A-1-126(2); or
- 99 (B) participating in training to prepare the medical reserve corps to respond to a
- 100 declaration of an emergency or request for public health related activities pursuant to
- 101 Subsection 26A-1-126(2);
- 102 (ii) acting within the scope of:
- 103 (A) the health care professional's license; or
- 104 (B) practice as modified under Subsection 58-1-307(4) or Section 26A-1-126; and
- 105 (iii) acting in good faith without compensation or remuneration as defined in
- 106 Subsection 58-13-3(2); or
- 107 (c) who is acting as a volunteer health practitioner under Title 26, Chapter 49, Uniform
- 108 Emergency Volunteer Health Practitioners Act.
- 109 (3) A health care professional described in Subsection (2) is not liable for any civil
- 110 damages as a result of any acts or omissions by the health care professional in rendering care as
- 111 a result of:
- 112 (a) implementation of measures to control the causes of epidemic and communicable
- 113 diseases and other conditions significantly affecting the public health or necessary to protect

114 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

115 (b) investigating and controlling suspected bioterrorism and disease as set out in Title
116 26, Chapter 23b, Detection of Public Health Emergencies Act; and

117 (c) responding to a national, state, or local emergency, a public health emergency as
118 defined in Section 26-23b-102, or a declaration by the President of the United States or other
119 federal official requesting public health-related activities.

120 (4) The immunity in Subsection (3) is in addition to any immunity or protection in state
121 or federal law that may apply.

122 (5) For purposes of Subsection (2)(b)(iii) remuneration does not include:

123 (a) food supplied to the volunteer;

124 (b) clothing supplied to the volunteer to help identify the volunteer during the time of
125 the emergency; or

126 (c) other similar support for the volunteer.