

1 **MEDICAL RESERVE CORPS AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Edward H. Redd**

5 Senate Sponsor: Brian E. Shiozawa

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Health and Human Services Interim Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

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

17 and

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

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **26A-1-126**, as last amended by Laws of Utah 2011, Chapter 297



28 58-13-2, as last amended by Laws of Utah 2008, Chapter 242



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

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

32 **26A-1-126. Medical reserve corps.**

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

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

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

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

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

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

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

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

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

58 (b) A person operating as a member of an activated medical reserve corps or training as

59 a member of a medical reserve corps under this section:

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

66 (6) The local department of health may access the Division of Occupational and

67 Professional Licensing database for the purpose of determining if a person's current or expired

68 license to practice in the state was in good standing.

69 (7) The local department of health shall maintain a registry of persons who are

70 members of a medical reserve corps. The registry of the medical reserve corps shall be made

71 available to the public and to the Division of Occupational and Professional Licensing.

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

73 **58-13-2. Emergency care rendered by licensee.**

74 (1) A person licensed under Title 58, Occupations and Professions, to practice as any

75 of the following health care professionals, who is under no legal duty to respond, and who in

76 good faith renders emergency care at the scene of an emergency gratuitously and in good faith,

77 is not liable for any civil damages as a result of any acts or omissions by the person in

78 rendering the emergency care:

- 79 (a) osteopathic physician;
- 80 (b) physician and surgeon;
- 81 (c) naturopathic physician;
- 82 (d) dentist or dental hygienist;
- 83 (e) chiropractic physician;
- 84 (f) physician assistant;
- 85 (g) optometrist;
- 86 (h) nurse licensed under Section 58-31b-301 or 58-31c-102;
- 87 (i) podiatrist;
- 88 (j) certified nurse midwife;
- 89 (k) respiratory care practitioner;

90 (l) pharmacist, pharmacy technician, and pharmacy intern;
91 (m) Direct-entry midwife licensed under Section 58-77-301; or
92 (n) veterinarian.

93 (2) This Subsection (2) applies to a health care professional:
94 (a) (i) described in Subsection (1); and
95 (ii) who is under no legal duty to respond to the circumstances described in Subsection
96 (3);
97 (b) who is:
98 (i) (A) activated as a member of a medical reserve corps as described in Section
99 26A-1-126 during the time of an emergency or declaration for public health related activities as
100 provided in [~~Section~~] Subsection 26A-1-126(2); or
101 (B) participating in training to prepare the medical reserve corps to respond to a
102 declaration of an emergency or request for public health related activities pursuant to
103 Subsection 26A-1-126(2);
104 (ii) acting within the scope of:
105 (A) the health care professional's license; or
106 (B) practice as modified under Subsection 58-1-307(4) or Section 26A-1-126; and
107 (iii) acting in good faith without compensation or remuneration as defined in
108 Subsection 58-13-3(2); or
109 (c) who is acting as a volunteer health practitioner under Title 26, Chapter 49, Uniform
110 Emergency Volunteer Health Practitioners Act.

111 (3) A health care professional described in Subsection (2) is not liable for any civil
112 damages as a result of any acts or omissions by the health care professional in rendering care as
113 a result of:
114 (a) implementation of measures to control the causes of epidemic and communicable
115 diseases and other conditions significantly affecting the public health or necessary to protect
116 the public health as set out in Title 26A, Chapter 1, Local Health Departments;
117 (b) investigating and controlling suspected bioterrorism and disease as set out in Title
118 26, Chapter 23b, Detection of Public Health Emergencies Act; and
119 (c) responding to a national, state, or local emergency, a public health emergency as
120 defined in Section 26-23b-102, or a declaration by the President of the United States or other

121 federal official requesting public health-related activities.

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

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

125 (a) food supplied to the volunteer;

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

128 (c) other similar support for the volunteer.

Legislative Review Note
as of 11-15-12 8:19 AM

Office of Legislative Research and General Counsel