

1 **EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT**

2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Raymond P. Ward**

6 Senate Sponsor: Chris H. Wilson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Emergency Volunteer Health Practitioners Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ extends application of the Emergency Volunteer Health Practitioners Act to
- 15 emergencies declared by the president of the United States and certain local
- 16 government entities;
- 17 ▶ requires a host entity to consult with the Department of Human Services when
- 18 providing volunteer services under the act; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **26-49-102**, as last amended by Laws of Utah 2013, Chapter 295

27 **26-49-103**, as enacted by Laws of Utah 2008, Chapter 242

28 **26-49-201**, as enacted by Laws of Utah 2008, Chapter 242

29 **26-49-202**, as last amended by Laws of Utah 2011, Chapter 297

30 26-49-203, as enacted by Laws of Utah 2008, Chapter 242

31 26-49-204, as enacted by Laws of Utah 2008, Chapter 242

32

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

34 Section 1. Section 26-49-102 is amended to read:

35 **26-49-102. Definitions.**

36 As used in this chapter:

37 (1) "Department of Health" shall have the meaning provided for in Section 26-1-4.

38 (2) "Disaster relief organization" means an entity that:

39 (a) provides emergency or disaster relief services that include health or veterinary
40 services provided by volunteer health practitioners;

41 (b) is designated or recognized as a provider of the services described in Subsection
42 (2)(a) under a disaster response and recovery plan adopted by:

43 (i) an agency of the federal government;

44 (ii) the state Department of Health; or

45 (iii) a local health department; and

46 (c) regularly plans and conducts its activities in coordination with:

47 (i) an agency of the federal government;

48 (ii) the Department of Health; or

49 (iii) a local health department.

50 [~~(3) "Emergency" means a "state of emergency" as defined in Section 53-2a-203.~~]

51 [~~(4) "Emergency declaration" means a declaration made in accordance with Section
52 53-2a-206 or 53-2a-208.~~]

53 (3) "Emergency" means:

54 (a) a state of emergency declared by:

55 (i) the president of the United States;

56 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
57 Recovery Act; and

58 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
59 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or

60 (b) a public health emergency declared by:

61 (i) the executive director through a public health order in accordance with Title 26,
62 Utah Health Code; or

63 (ii) a local health department for a location under the local health department's
64 jurisdiction.

65 ~~[(5)]~~ (4) "Emergency Management Assistance Compact" means the interstate compact
66 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title
67 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.

68 ~~[(6)]~~ (5) "Entity" means a person other than an individual.

69 ~~[(7)]~~ (6) "Health facility" means an entity licensed under the laws of this or another
70 state to provide health or veterinary services.

71 ~~[(8)]~~ (7) "Health practitioner" means an individual licensed under Utah law or another
72 state to provide health or veterinary services.

73 ~~[(9)]~~ (8) "Health services" means the provision of treatment, care, advice, guidance,
74 other services, or supplies related to the health or death of individuals or human populations, to
75 the extent necessary to respond to an emergency, including:

76 (a) the following, concerning the physical or mental condition or functional status of an
77 individual or affecting the structure or function of the body:

78 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

79 (ii) counseling, assessment, procedures, or other services;

80 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
81 in accordance with a prescription; and

82 (c) funeral, cremation, cemetery, or other mortuary services.

83 ~~[(10)]~~ (9) "Host entity":

84 (a) means an entity operating in Utah that:

85 (i) uses volunteer health practitioners to respond to an emergency; and

86 (ii) is responsible during an emergency, for actually delivering health services to
87 individuals or human populations, or veterinary services to animals or animal populations; and

88 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
89 health care provider offices, or any other place where volunteer health practitioners may
90 provide health or veterinary services.

91 ~~[(11)]~~ (10) (a) "License" means authorization by a state to engage in health or
92 veterinary services that are unlawful without authorization.

93 (b) "License" includes authorization under this title to an individual to provide health
94 or veterinary services based upon a national or state certification issued by a public or private
95 entity.

96 (11) "Local emergency" means the same as that term is defined in Section [53-2a-203](#).

97 (12) "Local health department" ~~[shall have the meaning provided for in Subsection]~~
98 means the same as that term is defined in Section [26A-1-102](#)~~[(5)]~~.

99 (13) "Person" means an individual, corporation, business trust, trust, partnership,
100 limited liability company, association, joint venture, public corporation, government or
101 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

102 (14) "Public health emergency" means the same as that term is defined in Section
103 [26-23b-102](#).

104 ~~[(14)]~~ (15) "Scope of practice" means the extent of the authorization to provide health
105 or veterinary services granted to a health practitioner by a license issued to the practitioner in
106 the state in which the principal part of the practitioner's services are rendered, including any
107 conditions imposed by the licensing authority.

108 ~~[(15)]~~ (16) "State" means:

109 (a) a state of the United States;

110 (b) the District of Columbia;

111 (c) Puerto Rico;

112 (d) the United States Virgin Islands; or

113 (e) any territory or insular possession subject to the jurisdiction of the United States.

114 ~~[(16)]~~ (17) "Veterinary services" shall have the meaning provided for in Subsection
115 [58-28-102](#)(11).

116 ~~[(17)]~~ (18) (a) "Volunteer health practitioner" means a health practitioner who provides
117 health or veterinary services, whether or not the practitioner receives compensation for those
118 services.

119 (b) "Volunteer health practitioner" does not include a practitioner who receives
120 compensation under a preexisting employment relationship with a host entity or affiliate that
121 requires the practitioner to provide health services in Utah, unless the practitioner is:

122 (i) not a Utah resident; and

123 (ii) employed by a disaster relief organization providing services in Utah ~~[while an~~
124 ~~emergency declaration is in effect]~~ during an emergency.

125 Section 2. Section **26-49-103** is amended to read:

126 **26-49-103. Applicability to volunteer health practitioners.**

127 This chapter applies to volunteer health practitioners who:

128 (1) are registered with a registration system that complies with Section [26-49-202](#); and

129 (2) provide health or veterinary services in Utah for a host entity ~~[while an emergency~~
130 ~~declaration is in effect]~~ during an emergency.

131 Section 3. Section **26-49-201** is amended to read:

132 **26-49-201. Regulation of services during emergency.**

133 (1) ~~[While an emergency declaration is in effect]~~ During an emergency, the Department
134 of Health or a local health department may limit, restrict, or otherwise regulate:

135 (a) the duration of practice by volunteer health practitioners;

136 (b) the geographical areas in which volunteer health practitioners may practice;

137 (c) the types of volunteer health practitioners who may practice; and

138 (d) any other matters necessary to coordinate effectively the provision of health or
139 veterinary services during the emergency.

140 (2) An order issued under Subsection (1) takes effect immediately, without prior notice
141 or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative

142 Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4,
143 Administrative Procedures Act.

144 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
145 services in Utah shall:

146 (a) to the extent practicable and in order to provide for the efficient and effective use of
147 volunteer health practitioners, consult and coordinate its activities with:

148 (i) the Department of Health;

149 (ii) local health departments; ~~[or]~~

150 (iii) the ~~[Utah]~~ Department of Agriculture and Food; or

151 (iv) the Department of Human Services; and

152 (b) comply with all state and federal laws relating to the management of emergency
153 health or veterinary services.

154 Section 4. Section **26-49-202** is amended to read:

155 **26-49-202. Volunteer health practitioner registration systems.**

156 (1) To qualify as a volunteer health practitioner registration system, the registration
157 system shall:

158 (a) accept applications for the registration of volunteer health practitioners before or
159 during an emergency;

160 (b) include information about the licensure and good standing of health practitioners
161 that is accessible by authorized persons;

162 (c) be capable of confirming the accuracy of information concerning whether a health
163 practitioner is licensed and in good standing before health services or veterinary services are
164 provided under this chapter; and

165 (d) meet one of the following conditions:

166 (i) be an emergency system for advance registration of volunteer health practitioners
167 established by a state and funded through the United States Department of Health and Human
168 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as
169 amended;

170 (ii) be a local unit consisting of trained and equipped emergency response, public
171 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42
172 U.S.C. Sec. 300hh as amended;

173 (iii) be operated by a:

174 (A) disaster relief organization;

175 (B) licensing board;

176 (C) national or regional association of licensing boards or health practitioners;

177 (D) health facility that provides comprehensive inpatient and outpatient healthcare
178 services, including tertiary care; or

179 (E) governmental entity; or

180 (iv) be designated by the Department of Health as a registration system for purposes of
181 this chapter.

182 (2) (a) Subject to Subsection (2)(b), [~~while an emergency declaration is in effect~~]
183 during an emergency, the Department of Health, a person authorized to act on behalf of the
184 Department of Health, or a host entity shall confirm whether a volunteer health practitioner in
185 Utah is registered with a registration system that complies with Subsection (1).

186 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the
187 identity of the practitioner from the system and determining whether the system indicates that
188 the practitioner is licensed and in good standing.

189 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized
190 person in another state, a registration system located in Utah shall notify the person of the
191 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is
192 licensed and in good standing.

193 (4) A host entity is not required to use the services of a volunteer health practitioner
194 even if the volunteer health practitioner is registered with a registration system that indicates
195 that the practitioner is licensed and in good standing.

196 Section 5. Section **26-49-203** is amended to read:

197 **26-49-203. Recognition of volunteer health practitioners licensed in other states.**

198 (1) [~~While an emergency declaration is in effect~~] During an emergency, a volunteer
199 health practitioner registered with a registration system that complies with Section 26-49-202
200 and licensed and in good standing in the state upon which the practitioner's registration is
201 based:

202 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner
203 were licensed in Utah; and

204 (b) is exempt from:

205 (i) licensure in Utah; or

206 (ii) operating under modified scope of practice provisions in accordance with
207 Subsections 58-1-307(4) and (5).

208 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the
209 protections of this chapter if the practitioner is licensed in more than one state and any license
210 of the practitioner:

211 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice
212 privileges; or

213 (b) has been voluntarily terminated under threat of sanction.

214 Section 6. Section 26-49-204 is amended to read:

215 **26-49-204. No effect on credentialing and privileging.**

216 (1) For purposes of this section:

217 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
218 health practitioner to provide treatment, care, or services.

219 (b) "Privileging" means the authorizing by an appropriate authority of a health
220 practitioner to provide specific treatment, care, or services at a health facility subject to limits
221 based on factors that include license, education, training, experience, competence, health status,
222 and specialized skill.

223 (2) This chapter does not affect credentialing or privileging standards of a health
224 facility, and does not preclude a health facility from waiving or modifying those standards
225 [~~while an emergency declaration is in effect~~] during an emergency.

