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H.B. 319 Enrolled

EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill amends the Emergency Volunteer Health Practitioners Act.

Highlighted Provisions:

This bill:

• defines terms;

• extends application of the Emergency Volunteer Health Practitioners Act to emergencies declared by the president of the United States and certain local government entities;

• requires a host entity to consult with the Department of Human Services when providing volunteer services under the act; and

• makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

26-49-102. Definitions.

As used in this chapter:

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

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

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

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

(i) an agency of the federal government;

(ii) the state Department of Health; or

(iii) a local health department; and

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

(i) an agency of the federal government;

(ii) the Department of Health; or

(iii) a local health department.

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

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

(3) "Emergency" means:

(a) a state of emergency declared by:

(i) the president of the United States;

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

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

(b) a public health emergency declared by:

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

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

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

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

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

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

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

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

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

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

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

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

~~(10)~~ (9) "Host entity":

(a) means an entity operating in Utah that:

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

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

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

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

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

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

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

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

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

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

~~(15)~~ (16) "State" means:

(a) a state of the United States;

(b) the District of Columbia;

(c) Puerto Rico;

(d) the United States Virgin Islands; or

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

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

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

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

(i) not a Utah resident; and

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

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

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

This chapter applies to volunteer health practitioners who:

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

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

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

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

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

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

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

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

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

(2) An order issued under Subsection (1) takes effect immediately, without prior notice or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4, Administrative Procedures Act.

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

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

(i) the Department of Health;

(ii) local health departments; ~~or~~

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

(iv) the Department of Human Services; and

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

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

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

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

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

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

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

(d) meet one of the following conditions:

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

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

(iii) be operated by a:

(A) disaster relief organization;

(B) licensing board;

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

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

(E) governmental entity; or

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

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

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

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

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

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

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

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

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

(b) is exempt from:

(i) licensure in Utah; or

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

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

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

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

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

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

(1) For purposes of this section:

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

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

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

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