

House Bill 3091

Sponsored by COMMITTEE ON HEALTH CARE (at the request of Oregon Delegation of the National Conference of Commissioners on Uniform State Laws)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adopts Uniform Emergency Volunteer Health Practitioners Act. Establishes methods for deployment and use of licensed health practitioners to provide health and veterinary services during emergency.

A BILL FOR AN ACT

1
2 Relating to emergency volunteer health practitioners.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 1 to 9 of this 2007 Act may be cited as the Uniform Emergency**
5 **Volunteer Health Practitioners Act.**

6 **SECTION 2. As used in sections 1 to 9 of this 2007 Act:**

7 (1) **"Disaster relief organization" means an entity that provides emergency or disaster**
8 **relief services that include health or veterinary services provided by volunteer health prac-**
9 **titioners and that:**

10 (a) **Is designated or recognized as a provider of those services pursuant to a disaster**
11 **response and recovery plan adopted by an agency of the federal government or the Office of**
12 **Emergency Management under ORS 401.270; or**

13 (b) **Plans and conducts its activities in coordination with an agency of the federal gov-**
14 **ernment or the Office of Emergency Management.**

15 (2) **"Emergency" has the meaning given that term in ORS 401.025.**

16 (3) **"Emergency declaration" means a state of emergency declared by the Governor under**
17 **ORS 401.055.**

18 (4) **"Emergency Management Assistance Compact" means the interstate compact under**
19 **ORS 401.043.**

20 (5) **"Entity" means a person other than an individual.**

21 (6) **"Health facility" means an entity licensed under the laws of this or another state that**
22 **provides health or veterinary services.**

23 (7) **"Health practitioner" means an individual licensed under the laws of this or another**
24 **state to provide health or veterinary services.**

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

28 (a) **Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care;**

29 (b) **Counseling, assessment procedures or other services;**

30 (c) **Selling or dispensing a drug, device, equipment or another item to an individual in**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 accordance with a prescription; and

2 (d) Funeral, cremation, cemetery or other mortuary services.

3 (9) "Host entity" means an entity operating in this state that uses volunteer health
4 practitioners to respond to an emergency.

5 (10) "License" means authorization by a state to engage in health or veterinary services
6 that are unlawful without the authorization. The term includes authorization under the laws
7 of this state for a health practitioner to provide health or veterinary services based upon a
8 national certification issued by a public or private entity.

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

13 (12) "State" means a state of the United States, the District of Columbia, Puerto Rico,
14 the United States Virgin Islands or any territory or insular possession subject to the juris-
15 diction of the United States.

16 (13) "Veterinary services" means the provision of treatment, care, advice, guidance,
17 supplies or other services related to the health or death of an animal or to animal popu-
18 lations to the extent necessary to respond to an emergency, including:

19 (a) Diagnosis, treatment or prevention of an animal disease, injury or other physical or
20 mental condition by prescribing, administering or dispensing a vaccine, medicine, surgery or
21 therapy;

22 (b) Use of a procedure for reproductive management; and

23 (c) Monitoring and treating animal populations for diseases that have spread or that
24 demonstrate the potential to spread to humans.

25 (14) "Volunteer health practitioner" means a health practitioner who provides health or
26 veterinary services, regardless of whether the practitioner receives compensation for those
27 services. The term does not include a practitioner who receives compensation pursuant to a
28 preexisting employment relationship with a host entity or affiliate that requires the practi-
29 tioner to provide health services in this state, unless the practitioner is not a resident of this
30 state and is employed by a disaster relief organization providing services in this state while
31 an emergency declaration is in effect.

32 **SECTION 3.** (1) While an emergency declaration is in effect, the Office of Emergency
33 Management may limit, restrict or otherwise regulate:

34 (a) The duration of practice by volunteer health practitioners;

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

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

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

39 (2) An order issued pursuant to subsection (1) of this section may take effect immediately
40 without prior notice or comment.

41 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
42 services in this state shall:

43 (a) Consult and coordinate its activities with the Office of Emergency Management to the
44 extent practicable to provide for the efficient and effective use of volunteer health practi-
45 tioners; and

1 (b) Comply with any laws other than sections 1 to 9 of this 2007 Act relating to the
2 management of emergency health or veterinary services.

3 **SECTION 4.** (1) To qualify as a volunteer health practitioner registration system, a sys-
4 tem must:

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

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

9 (c) Be capable of confirming the accuracy of information concerning whether a health
10 practitioner is licensed and in good standing before health services or veterinary services are
11 provided under sections 1 to 9 of this 2007 Act; and

12 (d) Meet one of the following conditions:

13 (A) Be an emergency system for advance registration of volunteer health care practi-
14 tioners established by a state and funded through the Health Resources and Services Ad-
15 ministration under section 319I of the Public Health Service Act, 42 U.S.C. 247d-7b;

16 (B) Be a local unit consisting of trained and equipped emergency response, public health
17 and medical personnel formed pursuant to section 2801 of the Public Health Service Act, 42
18 U.S.C. 300hh;

19 (C) Be operated by a:

20 (i) Disaster relief organization;

21 (ii) State licensing board;

22 (iii) National or regional association of licensing boards or health practitioners;

23 (iv) Health facility that provides comprehensive inpatient and outpatient health care
24 services, including a tertiary care and teaching hospital; or

25 (v) Governmental entity; or

26 (D) Be designated by the Office of Emergency Management as a registration system for
27 the purposes of sections 1 to 9 of this 2007 Act.

28 (2) While an emergency declaration is in effect, the office, a person authorized to act on
29 behalf of the office, or a host entity, may confirm whether volunteer health practitioners
30 utilized in this state are registered with a registration system that complies with subsection
31 (1) of this section. Confirmation is limited to obtaining identities of the practitioners from
32 the system and determining whether the system indicates that the practitioners are licensed
33 and in good standing.

34 (3) Upon request of a person in this state authorized under subsection (2) of this section,
35 or a similarly authorized person in another state, a registration system located in this state
36 shall notify the person of the identities of volunteer health practitioners and whether the
37 practitioners are licensed and in good standing.

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

41 **SECTION 5.** (1) While an emergency declaration is in effect, a volunteer health practi-
42 tioner, registered with a registration system that complies with section 4 of this 2007 Act
43 and licensed and in good standing in the state where the practitioner's registration is based,
44 may practice in this state to the extent authorized by sections 1 to 9 of this 2007 Act as if
45 the practitioner were licensed in this state.

1 (2) A volunteer health practitioner qualified under subsection (1) of this section is not
 2 entitled to the protections of sections 1 to 9 of this 2007 Act if the practitioner is licensed
 3 in more than one state and any license of the practitioner is suspended, revoked or subject
 4 to an agency order limiting or restricting practice privileges or has been voluntarily termi-
 5 nated under threat of sanction.

6 **SECTION 6.** (1) As used in this section:

7 (a) “Credentialing” means obtaining, verifying and assessing the qualifications of a health
 8 practitioner to provide treatment, care or services in or for a health facility.

9 (b) “Privileging” means the authorizing by an appropriate authority, such as a governing
 10 body, of a health practitioner to provide specific treatment, care or services at a health fa-
 11 cility subject to limits based on factors that include license, education, training, experience,
 12 competence, health status and specialized skill.

13 (2) Sections 1 to 9 of this 2007 Act do not affect credentialing or privileging standards of
 14 a health facility and do not preclude a health facility from waiving or modifying those stan-
 15 dards while an emergency declaration is in effect.

16 **SECTION 7.** (1) Subject to subsections (2) and (3) of this section, a volunteer health
 17 practitioner shall adhere to the scope of practice for a similarly licensed practitioner estab-
 18 lished by the licensing provisions, practice acts or other laws of this state.

19 (2) Except as otherwise provided in subsection (4) of this section, sections 1 to 9 of this
 20 2007 Act do not authorize a volunteer health practitioner to provide services that are outside
 21 the practitioner’s scope of practice, even if a similarly licensed practitioner in this state
 22 would be permitted to provide the services.

23 (3) The Office of Emergency Management may modify or restrict the health or veterinary
 24 services that volunteer health practitioners may provide under sections 1 to 9 of this 2007
 25 Act. An order under this subsection may take effect immediately, without prior notice or
 26 comment.

27 (4) A host entity may restrict the health or veterinary services that a volunteer health
 28 practitioner may provide under sections 1 to 9 of this 2007 Act.

29 (5) A volunteer health practitioner does not engage in unauthorized practice unless the
 30 practitioner has reason to know of any limitation, modification or restriction under this
 31 section or that a similarly licensed practitioner in this state would not be permitted to pro-
 32 vide the services. A volunteer health practitioner has reason to know of a limitation, mod-
 33 ification or restriction or that a similarly licensed practitioner in this state would not be
 34 permitted to provide a service if:

35 (a) The practitioner knows the limitation, modification or restriction exists or that a
 36 similarly licensed practitioner in this state would not be permitted to provide the service;
 37 or

38 (b) From all the facts and circumstances known to the practitioner at the relevant time,
 39 a reasonable person would conclude that the limitation, modification or restriction exists or
 40 that a similarly licensed practitioner in this state would not be permitted to provide the
 41 service.

42 (6) In addition to the authority granted by law of this state other than sections 1 to 9
 43 of this 2007 Act to regulate the conduct of health practitioners, a licensing board or other
 44 disciplinary authority in this state:

45 (a) May impose administrative sanctions upon a health practitioner licensed in this state

1 for conduct outside of this state in response to an out-of-state emergency;

2 (b) May impose administrative sanctions upon a practitioner not licensed in this state for
3 conduct in this state in response to an in-state emergency; and

4 (c) Shall report any administrative sanctions imposed upon a practitioner licensed in
5 another state to the appropriate licensing board or other disciplinary authority in any other
6 state in which the practitioner is known to be licensed.

7 (7) In determining whether to impose administrative sanctions under subsection (6) of
8 this section, a licensing board or other disciplinary authority shall consider the circum-
9 stances under which the conduct took place, including any exigent circumstances, and the
10 practitioner's scope of practice, education, training, experience and specialized skill.

11 **SECTION 8.** (1) Sections 1 to 9 of this 2007 Act do not limit rights, privileges or immu-
12 nities provided to volunteer health practitioners by laws other than sections 1 to 9 of this
13 2007 Act. Except as otherwise provided in subsection (2) of this section, sections 1 to 9 of
14 this 2007 Act do not affect requirements for the use of health practitioners pursuant to the
15 Emergency Management Assistance Compact under ORS 401.043.

16 (2) The Office of Emergency Management, pursuant to the Emergency Management As-
17 sistance Compact, may incorporate into the emergency forces of this state volunteer health
18 practitioners who are not officers or employees of this state, a political subdivision of this
19 state or a municipality or other local government within this state.

20 **SECTION 9.** The Office of Emergency Management may adopt rules to implement
21 sections 1 to 9 of this 2007 Act. In doing so, the office shall consult with and consider rules
22 adopted by similarly empowered agencies in other states to promote uniformity of application
23 of sections 1 to 9 of this 2007 Act and make the emergency response systems in the various
24 states reasonably compatible.