
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2120 Session of
2012

INTRODUCED BY DELOZIER, MAJOR, READSHAW, AUMENT, BOYD,
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JANUARY 17, 2012

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JANUARY 17, 2012

AN ACT

1 Amending Titles 35 (Health and Safety) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, establishing a system for the use of volunteer
4 health practitioners; providing reasonable safeguards to
5 assure that health practitioners are appropriately licensed
6 and regulated to protect the public's health; providing for
7 applicability of workers' compensation and occupational
8 disease law; and providing for limitation of civil damages.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 7706(a) introductory paragraph of Title
12 35 of the Pennsylvania Consolidated Statutes is amended to read:

13 § 7706. Compensation for accidental injury.

14 (a) Benefits.--[All] Except as set forth in section 7912
15 (relating to workers' compensation coverage), all duly enrolled
16 emergency management volunteers, and such other volunteers as
17 the agency shall by regulation qualify, who are not eligible to
18 receive benefits under the Workmen's Compensation Laws shall be
19 entitled, except during a state of war or period of armed

1 conflict within the continental limits of the United States, to
2 the following benefits relating to injuries sustained while
3 actually engaged in emergency management activities and services
4 or in or en route to and from emergency management tests,
5 drills, exercises or operations authorized by the Pennsylvania
6 Emergency Management Agency and carried out in accordance with
7 rules and orders promulgated and adopted by the agency:

8 * * *

9 Section 2. Title 35 is amended by adding a chapter to read:

10 CHAPTER 79

11 UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS

12 Sec.

13 7901. Short title of chapter.

14 7902. Definitions.

15 7903. Applicability to volunteer health practitioners.

16 7904. Regulation of services during emergency.

17 7905. Volunteer health practitioner registration systems.

18 7906. Recognition of volunteer health practitioners licensed in
19 other states.

20 7907. No effect on credentialing and privileging.

21 7908. Provision of volunteer health or veterinary services;
22 administrative sanctions.

23 7909. Relation to other laws.

24 7910. Regulatory authority.

25 7911. Limitations on civil liability for volunteer health
26 practitioners.

27 7912. Workers' compensation coverage.

28 7913. Uniformity of application and construction.

29 § 7901. Short title of chapter.

30 This chapter shall be known and may be cited as the Uniform

1 Emergency Volunteer Health Practitioners Act.

2 § 7902. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Department." The Department of Health of the Commonwealth.

7 "Disaster relief organization." An entity that provides
8 emergency or disaster relief services that include health or
9 veterinary services provided by volunteer health practitioners
10 and that:

11 (1) is designated or recognized as a provider of those
12 services pursuant to a disaster response and recovery plan
13 adopted by an agency of the Federal Government or the
14 Pennsylvania Emergency Management Agency; or

15 (2) regularly plans and conducts its activities in
16 coordination with an agency of the Federal Government or the
17 Pennsylvania Emergency Management Agency.

18 "Emergency." An event or condition that is a disaster or
19 disaster emergency.

20 "Emergency declaration." A declaration of emergency issued
21 by a person authorized to do so under the laws of this
22 Commonwealth.

23 "Emergency Management Assistance Compact." The interstate
24 compact approved by Congress by Public Law 104-321, 110 Stat.
25 3877 and set forth in section 7601 (relating to compact
26 enacted).

27 "Entity." A person other than an individual.

28 "Health facility." An entity licensed under the laws of this
29 Commonwealth or another state to provide health or veterinary
30 services.

1 "Health practitioner." An individual licensed under the laws
2 of this Commonwealth or another state to provide health or
3 veterinary services.

4 "Health services." The provision of treatment, care, advice
5 or guidance, of other services or of supplies, related to the
6 health or death of individuals or human populations, to the
7 extent necessary to respond to an emergency, including:

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

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

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

15 (2) sale or dispensing of a drug, a device, equipment or
16 another item to an individual in accordance with a
17 prescription; and

18 (3) funeral, cremation, cemetery or other mortuary
19 services.

20 "Host entity." An entity operating in this Commonwealth
21 which uses volunteer health practitioners to respond to an
22 emergency.

23 "License." Authorization by a state to engage in health or
24 veterinary services that are unlawful without the authorization.
25 The term includes authorization under the laws of this
26 Commonwealth to an individual to provide health or veterinary
27 services based upon a national certification issued by a public
28 or private entity.

29 "Person." Any individual, corporation, business trust,
30 trust, partnership, limited liability company, association,

1 joint venture, public corporation, government or governmental
2 subdivision, agency or instrumentality or any other legal or
3 commercial entity.

4 "Scope of practice." The extent of the authorization to
5 provide health or veterinary services granted to a health
6 practitioner by a license issued to the health practitioner in
7 the state in which the principal part of the health
8 practitioner's services are rendered, including any conditions
9 imposed by the licensing authority.

10 "State." A state of the United States, the District of
11 Columbia, Puerto Rico, the Virgin Islands or any territory or
12 insular possession subject to the jurisdiction of the United
13 States.

14 "Veterinary services." The provision of treatment, care,
15 advice or guidance or other services or of supplies, related to
16 the health or death of an animal or to animal populations, to
17 the extent necessary to respond to an emergency, including:

18 (1) diagnosis, treatment or prevention of an animal
19 disease, injury or other physical or mental condition by the
20 prescription, administration or dispensing of vaccine,
21 medicine, surgery or therapy;

22 (2) use of a procedure for reproductive management; and

23 (3) monitoring and treatment of animal populations for
24 diseases that have spread or demonstrate the potential to
25 spread to humans.

26 "Volunteer health practitioner." A health practitioner who
27 provides health or veterinary services, whether or not the
28 health practitioner receives compensation for those services.
29 The term does not include a health practitioner who receives
30 compensation pursuant to a preexisting employment relationship

1 with a host entity or affiliate which requires the health
2 practitioner to provide health services in this Commonwealth,
3 unless the health practitioner is not a resident of this
4 Commonwealth and is employed by a disaster relief organization
5 providing services in this Commonwealth while an emergency
6 declaration is in effect.

7 § 7903. Applicability to volunteer health practitioners.

8 This chapter applies to volunteer health practitioners
9 registered with a registration system that complies with section
10 7905 (relating to volunteer health practitioner registration
11 systems) and who provide health or veterinary services in this
12 Commonwealth for a host entity while an emergency declaration is
13 in effect.

14 § 7904. Regulation of services during emergency.

15 (a) Authorization.--When an emergency declaration is in
16 effect, the agency or the department may issue an order to
17 limit, restrict or otherwise regulate:

18 (1) the duration of practice by volunteer health
19 practitioners;

20 (2) the geographical areas in which volunteer health
21 practitioners may practice;

22 (3) the types of volunteer health practitioners who may
23 practice; and

24 (4) any other matters necessary to coordinate
25 effectively the provision of health or veterinary services
26 during the emergency.

27 (b) Procedure.--An order issued under subsection (a) may
28 take effect immediately, without prior notice or comment, and is
29 not a regulation within the meaning of:

30 (1) the act of July 31, 1968 (P.L.769, No.240), referred

1 to as the Commonwealth Documents Law;

2 (2) the act of October 15, 1980 (P.L.950, No.164), known
3 as the Commonwealth Attorneys Act; or

4 (3) the act of June 25, 1982 (P.L.633, No.181), known as
5 the Regulatory Review Act.

6 (c) Host entities.--A host entity that uses volunteer health
7 practitioners to provide health or veterinary services in this
8 Commonwealth shall:

9 (1) consult and coordinate its activities with the
10 agency and the department to the extent practicable to
11 provide for the efficient and effective use of volunteer
12 health practitioners; and

13 (2) comply with any law other than this chapter relating
14 to the management of emergency health or veterinary services.

15 § 7905. Volunteer health practitioner registration systems.

16 (a) Qualifications.--To qualify as a volunteer health
17 practitioner registration system, a system must:

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

20 (2) include information about the licensure and good
21 standing of volunteer health practitioners which is
22 accessible by authorized persons;

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

27 (4) meet one of the following conditions:

28 (i) be an emergency system for advance registration
29 of volunteer health practitioners established by a state
30 and funded through the Health Resources Services

1 Administration under section 319I of the Public Health
2 Service Act (58 Stat. 682, 42 U.S.C. § 247d-7b);

3 (ii) be a local unit consisting of trained and
4 equipped emergency response, public health and medical
5 personnel formed pursuant to section 2801 of the Public
6 Health Service Act (42 U.S.C. § 300hh);

7 (iii) be operated by a:

8 (A) disaster relief organization;

9 (B) licensing board;

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

12 (D) health facility that provides comprehensive
13 inpatient and outpatient health care services,
14 including a tertiary care and teaching hospital; or

15 (E) governmental entity; or

16 (iv) be designated by the agency as a registration
17 system for purposes of this chapter.

18 (b) Confirmation.--When an emergency declaration is in
19 effect, the agency, a person authorized to act on behalf of the
20 agency or a host entity may confirm whether volunteer health
21 practitioners utilized in this Commonwealth are registered with
22 a registration system that complies with subsection (a).

23 Confirmation is limited to obtaining identities of the volunteer
24 health practitioners from the system and determining whether the
25 system indicates that they are licensed and in good standing.

26 (c) Notice.--Upon request of a person in this Commonwealth
27 authorized under subsection (b) or a similarly authorized person
28 in another state, a registration system located in this
29 Commonwealth shall notify the person of the identities of
30 volunteer health practitioners and whether they are licensed and

1 in good standing.

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

7 § 7906. Recognition of volunteer health practitioners licensed
8 in other states.

9 (a) Practice allowed.--When an emergency declaration is in
10 effect, a volunteer health practitioner, registered with a
11 registration system that complies with section 7905 (relating to
12 volunteer health practitioner registration systems) and licensed
13 and in good standing in the state upon which the health
14 practitioner's registration is based, may practice in this
15 Commonwealth to the extent authorized by this chapter as if the
16 health practitioner were licensed in this Commonwealth.

17 (b) Exception.--A volunteer health practitioner qualified
18 under subsection (a) is not entitled to the protections of this
19 chapter if the health practitioner is licensed in more than one
20 state and any license of the health practitioner:

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

23 (2) has been voluntarily terminated under threat of
24 sanction.

25 § 7907. No effect on credentialing and privileging.

26 (a) (Reserved).

27 (b) General rule.--This chapter does not affect
28 credentialing or privileging standards of a health facility and
29 does not preclude a health facility from waiving or modifying
30 those standards while an emergency declaration is in effect.

1 (c) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection:

4 "Credentialing." Obtaining, verifying and assessing the
5 qualifications of a health practitioner to provide treatment,
6 care or services in or for a health facility.

7 "Privileging." The authorizing by an appropriate authority,
8 such as a governing body, of a health practitioner to provide
9 specific treatment, care or services at a health facility
10 subject to limits based on factors that include license,
11 education, training, experience, competence, health status and
12 specialized skill.

13 § 7908. Provision of volunteer health or veterinary services;
14 administrative sanctions.

15 (a) Scope of practice.--Subject to subsections (b) and (c),
16 a volunteer health practitioner shall adhere to the scope of
17 practice for a similarly licensed health practitioner
18 established by the licensing provisions, practice acts or other
19 laws of this Commonwealth.

20 (b) Outside scope of practice.--Except as otherwise provided
21 in subsection (c), this chapter does not authorize a volunteer
22 health practitioner to provide services that are outside the
23 health practitioner's scope of practice, even if a similarly
24 licensed health practitioner in this Commonwealth would be
25 permitted to provide the services.

26 (c) Department authority.--The department may modify or
27 restrict the health or veterinary services that volunteer health
28 practitioners may provide pursuant to this chapter. An order
29 under this subsection may take effect immediately, without prior
30 notice or comment, and is not a regulation within the meaning

1 of:

2 (1) the act of July 31, 1968 (P.L.769, No.240), referred
3 to as the Commonwealth Documents Law;

4 (2) the act of October 15, 1980 (P.L.950, No.164), known
5 as the Commonwealth Attorneys Act; or

6 (3) the act of June 25, 1982 (P.L.633, No.181), known as
7 the Regulatory Review Act.

8 (d) Host entity authority.--A host entity may restrict the
9 health or veterinary services that a volunteer health
10 practitioner may provide pursuant to this chapter.

11 (e) Unauthorized practice defined.--A volunteer health
12 practitioner does not engage in unauthorized practice unless the
13 practitioner has reason to know of any limitation, modification
14 or restriction under this section or that a similarly licensed
15 health practitioner in this Commonwealth would not be permitted
16 to provide the services. A volunteer health practitioner has
17 reason to know of a limitation, modification or restriction or
18 that a similarly licensed health practitioner in this
19 Commonwealth would not be permitted to provide a service if:

20 (1) the health practitioner knows the limitation,
21 modification or restriction exists or that a similarly
22 licensed health practitioner in this Commonwealth would not
23 be permitted to provide the service; or

24 (2) from all the facts and circumstances known to the
25 health practitioner at the relevant time, a reasonable person
26 would conclude that the limitation, modification or
27 restriction exists or that a similarly licensed health
28 practitioner in this Commonwealth would not be permitted to
29 provide the service.

30 (f) Licensing boards.--In addition to the authority granted

1 by laws of this Commonwealth other than this chapter to regulate
2 the conduct of health practitioners, a licensing board or other
3 disciplinary authority in this Commonwealth:

4 (1) may impose administrative sanctions upon a health
5 practitioner licensed in this Commonwealth for conduct
6 outside of this Commonwealth in response to an out-of-State
7 emergency;

8 (2) may impose administrative sanctions upon a health
9 practitioner not licensed in this Commonwealth for conduct in
10 this Commonwealth in response to an in-State emergency; and

11 (3) shall report any administrative sanctions imposed
12 upon a health practitioner licensed in another state to the
13 appropriate licensing board or other disciplinary authority
14 in any other state in which the health practitioner is known
15 to be licensed.

16 (g) Discretion of licensing boards.--In determining whether
17 to impose administrative sanctions under subsection (f), a
18 licensing board or other disciplinary authority shall consider
19 the circumstances in which the conduct took place, including any
20 exigent circumstances, and the health practitioner's scope of
21 practice, education, training, experience and specialized skill.

22 § 7909. Relation to other laws.

23 (a) Emergency Management Assistance Compact.--This chapter
24 does not limit rights, privileges or immunities provided to
25 volunteer health practitioners by laws other than this chapter.
26 Except as otherwise provided in subsection (b), this chapter
27 does not affect requirements for the use of health practitioners
28 pursuant to the Emergency Management Assistance Compact.

29 (b) Emergency forces.--The agency, pursuant to the Emergency
30 Management Assistance Compact, may incorporate into the

1 emergency forces of this Commonwealth volunteer health
2 practitioners who are not officers or employees of this
3 Commonwealth or a political subdivision.

4 § 7910. Regulatory authority.

5 The agency and the department may promulgate regulations to
6 implement this chapter. In doing so, the agency and the
7 department shall consider regulations promulgated by similarly
8 empowered agencies in other states to promote uniformity of
9 application of this chapter and make the emergency response
10 systems in the various states reasonably compatible.

11 § 7911. Limitations on civil liability for volunteer health
12 practitioners.

13 Civil liability for volunteer health practitioners is limited
14 under 42 Pa.C.S. § 8340.3 (relating to limitations on civil
15 liability for volunteer health practitioners).

16 § 7912. Workers' compensation coverage.

17 (a) (Reserved).

18 (b) Status of volunteer health practitioners.--

19 Notwithstanding section 7706 (relating to compensation for
20 accidental injury), a volunteer health practitioner who provides
21 health or veterinary services pursuant to this chapter and who
22 is not otherwise eligible for benefits for injury or death under
23 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'
24 Compensation Act, or the act of June 21, 1939 (P.L.566, No.284),
25 known as The Pennsylvania Occupational Disease Act, or under the
26 workers' compensation or occupational disease law of another
27 state may elect to be deemed an employee of this Commonwealth
28 for the purpose of receiving such benefits by making a claim in
29 accordance with the Workers' Compensation Act or The
30 Pennsylvania Occupational Disease Act. The average weekly wage

1 of a volunteer health practitioner claiming such benefits shall
2 be determined in the same manner as provided for auxiliary
3 police under section 2 of the act of May 17, 1957 (P.L.152,
4 No.71), entitled "A Supplement to the act of June 2, 1915
5 (P.L.736), entitled, as amended 'An act defining the liability
6 of an employer to pay damages for injuries received by an
7 employee in the course of employment; establishing an elective
8 schedule of compensation; providing procedure for the
9 determination of liability and compensation thereunder; and
10 prescribing penalties,' providing for the payment of
11 compensation to auxiliary police or their dependents."

12 (c) Administration.--The Department of Labor and Industry
13 shall promulgate regulations, enter into agreements with other
14 states or take other measures to facilitate the receipt of
15 benefits for injury or death under the Workers' Compensation Act
16 or The Pennsylvania Occupational Disease Act by volunteer health
17 practitioners who reside in other states and may waive or modify
18 requirements for filing, processing and paying claims that
19 unreasonably burden the volunteer health practitioners. To
20 promote uniformity of application of this chapter with other
21 states that enact similar legislation, the Department of Labor
22 and Industry shall consult with and consider the approaches to
23 filing, processing and paying claims taken by agencies with
24 similar authority in other states.

25 (d) Definition.--As used in this section, the term "injury"
26 means a physical or mental injury or disease for which an
27 employee of this Commonwealth who is injured or contracts the
28 disease in the course of the employee's employment would be
29 entitled to benefits under the Workers' Compensation Act or The
30 Pennsylvania Occupational Disease Act.

1 § 7913. Uniformity of application and construction.

2 In applying and construing this chapter, consideration must
3 be given to the need to promote uniformity of the law with
4 respect to its subject matter among states that enact it.

5 Section 3. Title 42 is amended by adding a section to read:

6 § 8340.3. Limitations on civil liability for volunteer health
7 practitioners.

8 (a) Limitation of liability.--Subject to subsection (b), a
9 volunteer health practitioner who does not receive compensation
10 that exceeds \$500 per year for providing health or veterinary
11 services pursuant to 35 Pa.C.S. Ch. 79 (relating to uniform
12 emergency volunteer health practitioners) is not liable for
13 damages for an act or omission of the volunteer health
14 practitioner in providing those services. Reimbursement of or
15 allowance for reasonable expenses or continuation of salary
16 while on leave is not compensation under this subsection.

17 (b) Exclusion.--This section does not limit the liability of
18 a volunteer health practitioner for:

19 (1) willful misconduct or wanton, grossly negligent,
20 reckless or criminal conduct;

21 (2) an intentional tort;

22 (3) breach of contract;

23 (4) a claim asserted by a host entity or by an entity
24 located in this Commonwealth or another state which employs
25 or uses the services of the volunteer health practitioner; or

26 (5) an act or omission relating to the operation of a
27 motor vehicle, vessel, aircraft or other vehicle.

28 (c) Information.--A person that, pursuant to 35 Pa.C.S. Ch.
29 79, operates, uses or relies upon information provided by a
30 volunteer health practitioner registration system under 35

1 Pa.C.S. § 7905 (relating to volunteer health practitioner
2 registration systems) is not liable for damages for an act or
3 omission relating to that operation, use or reliance unless the
4 act or omission is an intentional tort or is willful misconduct
5 or wanton, grossly negligent, reckless or criminal conduct.

6 (d) Applicability of subchapter.--In addition to the
7 protections provided in subsection (a), a volunteer health
8 practitioner providing health or veterinary services pursuant to
9 35 Pa.C.S. Ch. 79 is entitled to all the rights, privileges or
10 immunities provided by other applicable provisions of this
11 subchapter.

12 (e) Uniformity of application and construction.--In applying
13 and construing this section, consideration must be given to the
14 need to promote uniformity of the law with respect to its
15 subject matter among states that enact it.

16 (f) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Health practitioner." As defined in 35 Pa.C.S. § 7902
20 (relating to definitions).

21 "Volunteer health practitioner." As defined in 35 Pa.C.S. §
22 7902 (relating to definitions).

23 Section 4. This act shall apply as follows:

24 (1) The addition of 35 Pa.C.S. § 7912 shall apply to
25 claims for injuries which occur on or after the effective
26 date of this paragraph.

27 (2) The addition of 42 Pa.C.S. § 8340.3 shall apply to
28 causes of action which arise on or after the effective date
29 of this paragraph.

30 Section 5. This act shall take effect in 60 days.