AN ACT

Providing for emergency volunteer health practitioners uniformity; and repealing the Counterterrorism Planning, Preparedness and Response Act.

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

Section 1. Short title.
This act shall be known and may be cited as the Uniform Emergency Volunteer Health Practitioners Act.

Section 2. Definitions.
The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Declaration of disaster emergency." A declaration of emergency issued by a person authorized to do so under the laws of this Commonwealth.

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

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

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

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

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


"Entity." A person other than an individual.

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

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

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

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

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

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

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

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

"Person." Any 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.

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

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

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

(1) diagnosis, treatment or prevention of an animal disease, injury or other physical or mental condition by the prescription, administration or dispensing of vaccine, medicine, surgery or therapy;
(2) use of a procedure for reproductive management; and
(3) monitoring and treatment of animal populations for
diseases that have spread or demonstrate the potential to
spread to humans.

"Volunteer health practitioner." A health practitioner who
provides health or veterinary services, whether or not the
health practitioner receives compensation for those services.
The term does not include a health practitioner who receives
compensation pursuant to a preexisting employment relationship
with a host entity or affiliate which requires the health
practitioner to provide health services in this Commonwealth,
unless the health practitioner is not a resident of this
Commonwealth and is employed by a disaster relief organization
providing services in this Commonwealth while an emergency
declaration is in effect.

Section 3. Applicability to volunteer health practitioners.
This act applies to volunteer health practitioners registered
with a registration system that complies with section 5 and who
provide health or veterinary services in this Commonwealth for a
host entity while an emergency declaration is in effect.

Section 4. Regulation of services during emergency.
(a) Authorization.--When an emergency declaration is in
effect, the agency or the department may issue an order to
limit, restrict or otherwise regulate:
(1) the duration of practice by volunteer health
practitioners;
(2) the geographical areas in which volunteer health
practitioners may practice;
(3) the types of volunteer health practitioners who may
practice;
whether and to what extent volunteer health or veterinary services may be provided by host entities specifically or in general; and

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

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

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

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


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

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

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

Section 5. Volunteer health practitioner registration systems.

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

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

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

(3) 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 act; and

(4) 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 Health Resources Services Administration under section 319I of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 247d-7b), such as the State Emergency Registry for Volunteers in Pennsylvania (SERVPA);

(ii) be a local unit consisting of trained and equipped emergency response, public health and medical personnel formed pursuant to section 2801 of the Public Health Service Act;

(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 health care services, including a tertiary care and teaching hospital; or

(E) governmental entity; or

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

(b) Confirmation.--When an emergency declaration is in
effect, the agency, the department or a person authorized to act
on behalf of the agency or a host entity may confirm whether
volunteer health practitioners utilized in this Commonwealth are
registered with a registration system that complies with
subsection (a). Confirmation is limited to obtaining identities
of the volunteer health practitioners from the system and
determining whether the system indicates that they are licensed
and in good standing.

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

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

Section 6. Recognition of volunteer health practitioners
licensed in other states.

(a) Practice allowed.--When an emergency declaration is in
effect, a volunteer health practitioner, registered with a
registration system that complies with section 5 and licensed
and in good standing in the state upon which the health
practitioner's registration is based, may practice in this
Commonwealth to the extent authorized by this act as if the
health practitioner were licensed in this Commonwealth.

(b) Exception.--A volunteer health practitioner qualified
under subsection (a) is not entitled to the protections of this
act if the health practitioner is licensed in more than one state and any license of the health practitioner:
   (1) is suspended, revoked or subject to an agency order limiting or restricting practice privileges; or
   (2) has been voluntarily terminated under threat of sanction.

Section 7. No effect on credentialing and privileging.
   (a) (Reserved).
   (b) General rule.--This act 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.
   (c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
      "Credentialing." Obtaining, verifying and assessing the qualifications of a health practitioner to provide treatment, care or services in or for a health facility.
      "Privileging." The authorizing by an appropriate authority, such as a governing body, 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.

Section 8. Provision of volunteer health or veterinary services; administrative sanctions.
   (a) Scope of practice.--Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed health practitioner established by the licensing provisions, practice acts or other
laws of this Commonwealth.

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

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

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

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


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

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

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

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

(f) Licensing boards.--In addition to the authority granted by laws of this Commonwealth other than this act to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this Commonwealth:

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

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

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

(g) Discretion of licensing boards.--In determining whether to impose administrative sanctions under subsection (f), a licensing board or other disciplinary authority shall consider

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the circumstances in which the conduct took place, including any
exigent circumstances, and the health practitioner's scope of
practice, education, training, experience and specialized skill.

Section 9. Relation to other laws.

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

(b) Emergency forces.--The agency, pursuant to the Emergency
Management Assistance Compact, may incorporate into the
emergency forces of this Commonwealth volunteer health
practitioners who are not officers or employees of this
Commonwealth or a political subdivision.

Section 10. Regulatory authority.

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

Section 11. Limitations on civil liability.

(a) Immunity.--A volunteer health practitioner or host
entity that is not an agent of the Commonwealth, a Commonwealth
agency, a political subdivision or a local agency and that
provides health services or veterinary services in compliance
with this act is not subject to civil liability, for the death
or bodily injury of an individual or for loss or damage to
property, arising out of an act or omission of the practitioner
in providing those services to the same extent as an individual engaged in disaster services activities under 35 Pa.C.S. § 7704 (relating to immunity from civil liability).

(b) Information.—A person who, pursuant to this act, operates, uses or relies upon information provided by a volunteer health practitioner registration system under section 5 is not liable for damages for an act or omission relating to that operation, use or reliance unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless or criminal conduct.

(c) Applicability.—In addition to the protections provided in subsection (a), a volunteer health practitioner providing health or veterinary services pursuant to this act is entitled to all the rights, privileges or immunities provided by law.

Section 12. Workers' compensation coverage.

(a) (Reserved).

(b) Status of volunteer health practitioners.—A volunteer health practitioner who provides health services pursuant to this act and who is not otherwise eligible for benefits for injury or death under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, or the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, or under the workers' compensation or occupational disease law of another state may be eligible to receive benefits under 35 Pa.C.S. § 7706 (relating to compensation for accidental injury).

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

Section 13. Uniformity of application and construction.

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

Section 14. Repeals.

Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate this act.


Section 15. Applicability.

This act shall apply as follows:

(1) The addition of section 11 of the act shall apply to causes of action which arise on or after the effective date of this paragraph.

(2) The addition of section 12 of the act shall apply to claims for injuries which occur on or after the effective date of this paragraph.

Section 16. Effective date.

This act shall take effect immediately.