



General Assembly

January Session, 2009

Committee Bill No. 5893

LCO No. 4588

04588HB05893PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT ESTABLISHING AN EMERGENCY RESPONSE SYSTEM OF
VOLUNTEER HEALTH CARE PRACTITIONERS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2010*) For the purposes of this
2 section and sections 2 to 6, inclusive, of this act:

3 (1) "Disaster relief organization" means an entity that provides
4 emergency or disaster relief services that includes health care services
5 provided by volunteer health care practitioners and that: (A) is
6 designated or recognized as a provider of such services pursuant to a
7 disaster response and recovery plan adopted by any agency of the
8 federal government, the Department of Public Health or the
9 Department of Emergency Management and Homeland Security; or
10 (B) regularly plans and conducts its activities in coordination with any
11 agency of the federal government, the Department of Public Health or
12 the Department of Emergency Management and Homeland Security.

13 (2) "Emergency" has the same meaning as in section 28-1 of the
14 general statutes, and includes a public health emergency, as defined in
15 section 19a-131 of the general statutes.

16 (3) "Emergency declaration" means the Governor's declaration of a
17 civil preparedness emergency pursuant to section 28-9 of the general
18 statutes or of a public health emergency pursuant to section 19a-131a
19 of the general statutes.

20 (4) "Emergency Management Assistance Compact" means the
21 interstate compact established under section 28-23a of the general
22 statutes.

23 (5) "Entity" means a person other than a natural person.

24 (6) "Health care facility" means an institution, as defined in section
25 19a-490 of the general statutes, that is licensed under the laws of this
26 state or another state.

27 (7) "Health care practitioner" means an individual licensed under
28 chapter 368d, 370, 378, 378a or 383 of the general statutes or the laws of
29 another state to provide mental health services, emergency medical
30 services, through a licensed emergency medical services provider, or
31 general or specialized surgery.

32 (8) "Health care services" means any care, service or treatment of an
33 illness or dysfunction of, or injury to, the human body, including, but
34 not limited to: (A) Preventive, diagnostic, therapeutic, rehabilitative,
35 maintenance or palliative care; (B) counseling, assessment, procedures
36 or other services; and (C) the sale or dispensing of a drug, a device,
37 equipment or another item to an individual in accordance with a
38 prescription.

39 (9) "Host entity" means an entity operating in this state which uses
40 volunteer health care practitioners to respond to an emergency.

41 (10) "License" means authorization by a state to engage in health
42 care services that are unlawful without such authorization, including,
43 but not limited to, authorization for an individual to provide health
44 care services based upon a national certification issued by a public or
45 private entity.

46 (11) "Person" means any natural person, corporation, partnership,
47 limited liability company, unincorporated business, government or
48 governmental entity or any other legal or commercial entity.

49 (12) "Scope of practice" means the extent of the authorization to
50 provide health care services granted to a health care practitioner by a
51 license issued to the practitioner.

52 (13) "State" means a state of the United States, the District of
53 Columbia, Puerto Rico, the United States Virgin Islands or any
54 territory or insular possession subject to the jurisdiction of the United
55 States.

56 (14) "Volunteer health care practitioner" means a health care
57 practitioner who provides health care services, whether or not the
58 practitioner receives compensation for those services, but does not
59 include a health care practitioner who receives compensation pursuant
60 to a preexisting employment relationship with a host entity or affiliate
61 which requires the practitioner to provide health care services in this
62 state, unless the practitioner is not a resident of this state and is
63 employed by a disaster relief organization providing services in this
64 state while an emergency declaration is in effect.

65 Sec. 2. (NEW) (*Effective January 1, 2010*) (a) While an emergency
66 declaration is in effect, a volunteer health care practitioner who is
67 licensed in another state and registered in accordance with this section
68 may practice in this state as if the practitioner were licensed in this
69 state, as long as such practitioner's license has not been suspended,
70 revoked, voluntarily terminated under threat of sanction or subject to
71 an agency order limiting or restricting the scope of practice.

72 (b) A volunteer health care practitioner shall register with a
73 volunteer health care practitioner system organization in order to
74 practice in this state during an emergency. Any such organization
75 shall: (1) Accept applications for the registration of volunteer health
76 care practitioners prior to or during an emergency; (2) include

77 information about the licensure and good standing of volunteer health
78 care practitioners that is accessible by authorized persons; (3) be
79 capable of confirming the accuracy of information concerning whether
80 a volunteer health care practitioner is licensed and in good standing
81 before health care services are provided under this section; and (4)
82 meet any one of the following conditions: (A) Be an emergency system
83 for advance registration of volunteer health care practitioners
84 established by a state and funded through the Health Resources
85 Services Administration under Section 319I of the Public Health
86 Services Act, 42 USC Section 247d-7b, as amended from time to time;
87 (B) be a local unit consisting of trained and equipped emergency
88 response, public health and medical personnel formed pursuant to
89 Section 2801 of the Public Health Services Act, 42 USC Section 300hh,
90 as amended from time to time; (C) be operated by (i) a disaster relief
91 organization; (ii) a licensing board; (iii) a national or regional
92 association of licensing boards or health care practitioners; (iv) a health
93 care facility that provides comprehensive inpatient and outpatient
94 health care services, including a tertiary care and teaching hospital; or
95 (v) a governmental entity; or (D) be designated by the Department of
96 Public Health or the Department of Emergency Management and
97 Homeland Security as a registration system for purposes of this
98 section.

99 (c) Upon the request of the Commissioner of Public Health, the
100 Commissioner of Emergency Management and Homeland Security or
101 a designee of said commissioners, the volunteer registration system
102 organization shall confirm whether a volunteer health care practitioner
103 is registered in accordance with subsection (a) of this section and
104 whether the system indicates that such practitioner is licensed and in
105 good standing.

106 (d) This section shall not be construed to authorize a volunteer
107 health care practitioner to provide health care services in this state that
108 are outside such practitioner's scope of practice in the state where such
109 practitioner is licensed, or to provide health care services that are

110 outside of the scope of practice for a practitioner with a comparable
111 license in this state.

112 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) While an emergency
113 declaration is in effect, the Department of Public Health and the
114 Department of Emergency Management and Homeland Security may
115 issue an order to limit, restrict or otherwise regulate the practice of
116 volunteer health care practitioners pursuant to section 2 of this act,
117 including, but not limited to: (1) The duration of practice by volunteer
118 health care practitioners; (2) the geographical areas in which volunteer
119 health care practitioners may practice; (3) the types of volunteer health
120 care practitioners who may practice; and (4) any other matters
121 necessary to coordinate the provision of health care services during the
122 emergency.

123 (b) A host entity that uses volunteer health care practitioners to
124 provide health care services in this state shall: (1) Consult and
125 coordinate its activities with the Department of Public Health and the
126 Department of Emergency Management and Homeland Security to the
127 extent practicable to provide for the efficient and effective use of
128 volunteer health care practitioners; and (2) comply with any order of
129 the Commissioner of Public Health or the Commissioner of Emergency
130 Management and Homeland Security.

131 Sec. 4. (NEW) (*Effective January 1, 2010*) (a) A volunteer health care
132 practitioner who violates any provision of sections 2 and 3 of this act
133 shall have engaged in unauthorized practice if the practitioner had
134 reason to know of any limitation, modification or restriction under
135 section 2 or 3 of this act or if a similarly licensed practitioner in this
136 state would not be permitted to provide such health care services. For
137 the purposes of this section, a volunteer health care practitioner has
138 reason to know of a limitation, modification or restriction or that a
139 similarly licensed practitioner in this state would not be permitted to
140 provide a service if such practitioner had actual knowledge, or if from
141 all the facts and circumstances known to the practitioner at the

142 relevant time, a reasonable person would conclude that the limitation,
143 modification or restriction exists or that a similarly licensed
144 practitioner in this state would not be permitted to provide the service.

145 (b) A licensing board or other disciplinary authority in this state
146 may impose administrative sanctions upon a volunteer health care
147 practitioner licensed in this state for conduct outside of this state in
148 response to an out-of-state emergency.

149 (c) A licensing board or other disciplinary authority in this state
150 may impose administrative sanctions upon a practitioner not licensed
151 in this state for conduct in this state in response to an emergency in
152 this state.

153 (d) In determining whether to impose administrative sanctions
154 under subsection (b) or (c) of this section, a licensing board or other
155 disciplinary authority shall consider the circumstances in which the
156 conduct took place, including any exigent circumstances, and the
157 practitioner's scope of practice, education, training, experience and
158 specialized skill.

159 (e) Such licensing board or other authority shall report any
160 administrative sanctions imposed upon a practitioner licensed in
161 another state to the appropriate licensing board or other disciplinary
162 authority in the other state in which the practitioner is known to be
163 licensed.

164 Sec. 5. (NEW) (*Effective January 1, 2010*) (a) Sections 1 to 4, inclusive,
165 of this act shall not be construed to limit the rights, privileges or
166 immunities provided to volunteer health care practitioners by any
167 other provision of the general statutes. Except as otherwise provided
168 in subsection (b) of this section, sections 1 to 4, inclusive, of this act
169 shall not affect requirements for the use of volunteer health care
170 practitioners pursuant to the Emergency Management Assistance
171 Compact.

172 (b) The Department of Public Health or the Department of
 173 Emergency Management and Homeland Security, pursuant to the
 174 Emergency Management Assistance Compact, may incorporate into
 175 the emergency forces of this state volunteer health care practitioners
 176 who are not officers or employees of this state, a political subdivision
 177 of this state or a municipality or other local government within this
 178 state.

179 Sec. 6. (NEW) (*Effective January 1, 2010*) The Department of Public
 180 Health or the Department of Emergency Management and Homeland
 181 Security may adopt regulations, in accordance with the provisions of
 182 chapter 54 of the general statutes, to implement the provisions of
 183 sections 1 to 5, inclusive, of this act. Any such regulations shall
 184 reference the coordination and implementation of the Emergency
 185 Management Assistance Compact. In adopting any such regulations
 186 said department shall consider comparable regulations adopted by
 187 similarly empowered agencies in other states in order to achieve
 188 uniformity and consistency to a reasonable extent in the application of
 189 the provisions of sections 1 to 5, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	New section
Sec. 6	<i>January 1, 2010</i>	New section

Statement of Purpose:

To establish a system for the registration of volunteer health care practitioners in order to facilitate the use of such volunteers after a declaration of a civil preparedness or public health emergency in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. SHAPIRO, 144th Dist.; REP. SAYERS, 60th Dist.

H.B. 5893