

RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT

58-81-101. Title.

This chapter is known as the "Retired Volunteer Health Care Practitioner Act."

58-81-102. Definitions.

For purpose of this chapter:

- (1) "Board" means the state licensing board created for each of the health care practitioners included in Subsection (2).
- (2) "Health care practitioner" includes:
 - (a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;
 - (b) a physical therapist licensed under Chapter 24a, Physical Therapist Practice Act;
 - (c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;
 - (d) a recreational therapist licensed under Chapter 40, Recreational Therapist Practice Act;
 - (e) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
 - (f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;
 - (g) a mental health professional licensed under Chapter 60, Mental Health Professional Practice Act;
 - (h) a physician licensed under Chapter 67, Utah Medical Practice Act;
 - (i) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (j) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act;
 - (k) a physician assistant licensed under Chapter 70a, Physician Assistant Act;
 - (l) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or
 - (m) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act.
- (3) "Qualified location" means:
 - (a) a clinic, hospital, church, or organization whose primary purpose is to sponsor, promote, or organize uncompensated health care services for people unable to pay for health care services; and
 - (b) is a location approved by the division.
- (4) "Remuneration or compensation" is as defined in Section 58-13-3.
- (5) "Supervising professional" means a health care practitioner:
 - (a) who has an active license in the state in good standing;
 - (b) with a scope of practice that is appropriate for supervising the applicant as determined by the division and board; and
 - (c) who is practicing at the qualified location.
- (6) "Supervision" means:
 - (a) the level of supervision required for:
 - (i) a social service worker in Chapter 60, Mental Health Profession Practice Act;
 - (ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;
 - (iii) a recreational therapist technician in Chapter 40, Recreational Therapist Practice Act; and
 - (iv) an occupational technician assistant in Chapter 42a, Occupational Therapy Practice Act; and
 - (b) for the health care practitioners listed in Subsections (2)(a) through (m) and not included in Subsection (5)(a):
 - (i) entering into a delegation of service agreement with a supervising professional in accordance with Subsection 58-81-103(2);

- (ii) having the ability to contact the supervising professional during the time the volunteer is providing volunteer services; and
 - (iii) for every 40 hours of volunteer service hours, meeting with the supervising professional.
- (7) "Volunteer" means the individual health care practitioner:
- (a) will devote the health care practitioner's practice exclusively to providing care to the needy and indigent in the state:
 - (i) within:
 - (A) the practitioner's scope of practice; and
 - (B) the delegation of service agreement between the volunteer and the supervising professional; and
 - (ii) at a qualified location;
 - (b) will agree to donate professional services in a qualified location; and
 - (c) will not receive remuneration or compensation for the health care practitioner's services.

58-81-103. Eligibility for volunteer health care practitioner license - Delegation of service agreement.

- (1) A health care practitioner is eligible to apply to the division and board for a volunteer health care practitioner license if the health care practitioner:
- (a) certifies to the division and board that the applicant will be engaged exclusively in volunteer health care services; and
 - (b) completes an application for a volunteer health care practitioner license, which includes documentation:
 - (i) of professional education, exams passed and graduation;
 - (ii) of practice history;
 - (iii) of a qualified location for which the health care practitioner will be practicing;
 - (iv) identifying the supervising health care practitioner and the supervising health care practitioner's delegation of service agreement with the volunteer practitioner; and
 - (v) that the applicant has:
 - (A) previously been issued an unrestricted license to practice in Utah or another state of the United States;
 - (B) never been the subject of any significant disciplinary action in any jurisdiction; and
 - (C) is in good health and does not have a condition which would impair the health care practitioner's ability to practice with reasonable skill and safety to patients.
- (2) A health care provider who has agreed to be a supervising professional for a volunteer at a qualified location shall:
- (a) enter into a delegation of service agreement with the volunteer health care practitioner;
 - (b) agree to provide the level of supervision required in Subsection 58-81-102(5);
 - (c) determine with the volunteer whether the volunteer's scope of practice or ability to prescribe controlled substances will be limited by the delegation of service agreement;
 - (d) include in the delegation of service agreement that the volunteer may not prescribe a controlled substance to himself, the volunteer's family, or a staff member of the qualified location; and
 - (e) forward the delegation of service agreement to the division.

58-81-104. Volunteer health care practitioner license - Waiver of fees - Rulemaking authority.

- (1) The division and board shall issue a volunteer health care practitioner license to an applicant who:
- (a) completes an application under Section 58-81-103; and

- (b) meets the requirements of this chapter.
- (2) A license issued under this chapter shall:
 - (a) comply with the scope of practice for a similarly situated licensed practitioner, except that the license shall limit the health care practitioner's practice to the qualified location;
 - (b) permit the health care practitioner to apply for a controlled substance license as permitted for other similarly situated licensed practitioners; and
 - (c) state that the license is a volunteer health care practitioner license and is subject to the restriction of Subsection (2)(a).
- (3) The division and board shall waive all division fees, including application fees, examination fees, and annual renewal fees for an applicant who applies for a volunteer health care practitioner license and who otherwise meets licensure requirements.
- (4) The division and board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (a) approve the charity locations that qualify under Section 58-81-102;
 - (b) develop standards for the information that must be included in a delegation of service agreement, including a standard form that a supervising professional may use; and
 - (c) implement the provisions of this chapter.
- (5) A health care practitioner who is licensed as a volunteer health care practitioner under this chapter is entitled to qualified immunity for charity care if the health care practitioner meets the requirements of Section 58-13-3.

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PRACTITIONER ACT**

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