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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3244**

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act  
1.2 relating to public health; enacting the Uniform Emergency Volunteer Health  
1.3 Practitioners Act; proposing coding for new law in Minnesota Statutes, chapter  
1.4 145.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[145.9305] SHORT TITLE.**

1.7 Sections 145.931 to 145.939 may be cited as the Uniform Emergency Volunteer  
1.8 Health Practitioners Act.

1.9 Sec. 2. **[145.931] DEFINITIONS.**

1.10 Subdivision 1. **Terms.** For purposes of sections 145.931 to 145.939, the terms  
1.11 defined in subdivisions 2 to 16 have the meanings given them.

1.12 Subd. 2. **Disaster relief organization.** "Disaster relief organization" means an  
1.13 entity that provides emergency or disaster relief services that include health or veterinary  
1.14 services provided by volunteer health practitioners and that:

1.15 (1) is designated or recognized as a provider of those services pursuant to a disaster  
1.16 response and recovery plan adopted by an agency of the federal government or the  
1.17 Division of Emergency Management; or

1.18 (2) regularly plans and conducts its activities in coordination with an agency of the  
1.19 federal government or the Division of Emergency Management.

1.20 Subd. 3. **Emergency.** "Emergency" means an event or condition that is an  
1.21 emergency under chapter 12.

1.22 Subd. 4. **Emergency declaration.** "Emergency declaration" means a declaration of  
1.23 emergency issued by a person authorized to do so under the laws of this state.

2.1 Subd. 5. **Emergency Management Assistance Compact.** "Emergency  
2.2 Management Assistance Compact" means the interstate compact approved by Congress  
2.3 by Public Law 104-321 and entered into and enacted by the state by Minnesota Statutes,  
2.4 section 192.89.

2.5 Subd. 6. **Entity.** "Entity" means a person other than an individual.

2.6 Subd. 7. **Health facility.** "Health facility" means an entity licensed under the laws  
2.7 of this or another state to provide health or veterinary services.

2.8 Subd. 8. **Health practitioner.** "Health practitioner" means an individual licensed  
2.9 under the laws of this or another state to provide health or veterinary services.

2.10 Subd. 9. **Health services.** "Health services" means the provision of treatment,  
2.11 care, advice or guidance, or other services, or supplies, related to the health or death of  
2.12 individuals or human populations, to the extent necessary to respond to an emergency,  
2.13 including:

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

2.16 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative  
2.17 care; and

2.18 (ii) counseling, assessment, procedures, or other services;

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

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

2.22 Subd. 10. **Host entity.** "Host entity" means an entity operating in this state which  
2.23 uses volunteer health practitioners to respond to an emergency.

2.24 Subd. 11. **License.** "License" means authorization by a state to engage in health  
2.25 or veterinary services that are unlawful without the authorization. The term includes  
2.26 authorization under the laws of this state to an individual to provide health or veterinary  
2.27 services based upon a national certification issued by a public or private entity.

2.28 Subd. 12. **Person.** "Person" means an individual, corporation, business trust, trust,  
2.29 partnership, limited liability company, association, joint venture, public corporation,  
2.30 government or governmental subdivision, agency, or instrumentality, or any other legal or  
2.31 commercial entity.

2.32 Subd. 13. **Scope of practice.** "Scope of practice" means the extent of the  
2.33 authorization to provide health or veterinary services granted to a health practitioner by a  
2.34 license issued to the practitioner in the state in which the principal part of the practitioner's  
2.35 services are rendered, including any conditions imposed by the licensing authority.

3.1 Subd. 14. **State.** "State" means a state of the United States, the District of Columbia,  
3.2 Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject  
3.3 to the jurisdiction of the United States.

3.4 Subd. 15. **Veterinary services.** "Veterinary services" means the provision of  
3.5 treatment, care, advice or guidance, or other services, or supplies, related to the health  
3.6 or death of an animal or to animal populations, to the extent necessary to respond to  
3.7 an emergency, including:

3.8 (1) diagnosis, treatment, or prevention of an animal disease, injury, or other  
3.9 physical or mental condition by the prescription, administration, or dispensing of vaccine,  
3.10 medicine, surgery, or therapy;

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

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

3.14 Subd. 16. **Volunteer health practitioner.** "Volunteer health practitioner" means  
3.15 a health practitioner who provides health or veterinary services, whether or not the  
3.16 practitioner receives compensation for those services. The term does not include a  
3.17 practitioner who receives compensation pursuant to a preexisting employment relationship  
3.18 with a host entity or affiliate which requires the practitioner to provide health services in  
3.19 this state, unless the practitioner is not a resident of this state and is employed by a disaster  
3.20 relief organization providing services in this state while an emergency declaration is  
3.21 in effect.

3.22 **Sec. 3. [145.932] APPLICABILITY TO VOLUNTEER HEALTH**  
3.23 **PRACTITIONERS.**

3.24 Sections 145.931 to 145.939 apply to volunteer health practitioners registered with  
3.25 a registration system that complies with section 145.934 and who provide health or  
3.26 veterinary services in this state for a host entity while an emergency declaration is in effect.

3.27 **Sec. 4. [145.933] REGULATION OF SERVICES DURING EMERGENCY.**

3.28 (a) While an emergency declaration is in effect, the director of the Division of  
3.29 Emergency Management may limit, restrict, or otherwise regulate:

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

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

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

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

4.1 (b) An order issued pursuant to paragraph (a) may take effect immediately, without  
4.2 prior notice or comment, and is not a rule within the meaning of chapter 14.

4.3 (c) A host entity that uses volunteer health practitioners to provide health or  
4.4 veterinary services in this state shall:

4.5 (1) consult and coordinate its activities with the Division of Emergency Management  
4.6 to the extent practicable to provide for the efficient and effective use of volunteer health  
4.7 practitioners; and

4.8 (2) comply with any laws other than sections 145.931 to 145.939 relating to the  
4.9 management of emergency health or veterinary services, including chapter 12 and sections  
4.10 35.0661, 144.4197, and 192.89.

4.11 **Sec. 5. [145.934] VOLUNTEER HEALTH PRACTITIONER REGISTRATION**  
4.12 **SYSTEMS.**

4.13 (a) To qualify as a volunteer health practitioner registration system, a system must:

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

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

4.18 (3) be capable of confirming the accuracy of information concerning whether a  
4.19 health practitioner is licensed and in good standing before health services or veterinary  
4.20 services are provided under sections 145.931 to 145.939; and

4.21 (4) meet one of the following conditions:

4.22 (i) be an emergency system for advance registration of volunteer health care  
4.23 practitioners established by a state and funded through the Health Resources Services  
4.24 Administration under section 319I of the Public Health Services Act, United States Code,  
4.25 title 42, section 247d-7;

4.26 (ii) be a local unit consisting of trained and equipped emergency response, public  
4.27 health, and medical personnel formed pursuant to section 2801 of the Public Health  
4.28 Services Act, United States Code, title 42, section 300hh, as amended;

4.29 (iii) be operated by a:

4.30 (A) disaster relief organization;

4.31 (B) licensing board;

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

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

4.35 (E) governmental entity; or

5.1 (iv) be designated by the Division of Emergency Management as a registration  
5.2 system for purposes of sections 145.931 to 145.939.

5.3 (b) While an emergency declaration is in effect, the Division of Emergency  
5.4 Management, a person authorized to act on behalf of the Division of Emergency  
5.5 Management, or a host entity may confirm whether volunteer health practitioners utilized  
5.6 in this state are registered with a registration system that complies with paragraph (a).  
5.7 Confirmation is limited to obtaining identities of the practitioners from the system and  
5.8 determining whether the system indicates that the practitioners are licensed and in good  
5.9 standing.

5.10 (c) Upon request of a person in this state authorized under paragraph (b), or a  
5.11 similarly authorized person in another state, a registration system located in this state  
5.12 shall notify the person of the identities of volunteer health practitioners and whether the  
5.13 practitioners are licensed and in good standing.

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

5.17 **Sec. 6. [145.935] RECOGNITION OF VOLUNTEER HEALTH**  
5.18 **PRACTITIONERS LICENSED IN OTHER STATES.**

5.19 (a) While an emergency declaration is in effect, a volunteer health practitioner,  
5.20 registered with a registration system that complies with section 145.934 and licensed and  
5.21 in good standing in the state upon which the practitioner's registration is based, may  
5.22 practice in this state to the extent authorized by sections 145.931 to 145.939 as if the  
5.23 practitioner were licensed in this state.

5.24 (b) A volunteer health practitioner qualified under paragraph (a) is not entitled  
5.25 to the protections of sections 145.931 to 145.939 if the practitioner is licensed in more  
5.26 than one state and any license of the practitioner is suspended, revoked, or subject to an  
5.27 agency order limiting or restricting practice privileges, or has been voluntarily terminated  
5.28 under threat of sanction.

5.29 **Sec. 7. [145.936] NO EFFECT ON CREDENTIALING AND PRIVILEGING.**

5.30 (a) In this section:

5.31 (1) "credentialing" means obtaining, verifying, and assessing the qualifications of a  
5.32 health practitioner to provide treatment, care, or services in or for a health facility; and

5.33 (2) "privileging" means the authorizing by an appropriate authority, such as a  
5.34 governing body, of a health practitioner to provide specific treatment, care, or services at a

6.1 health facility subject to limits based on factors that include license, education, training,  
6.2 experience, competence, health status, and specialized skill.

6.3 (b) Sections 145.931 to 145.939 do not affect credentialing or privileging standards  
6.4 of a health facility and do not preclude a health facility from waiving or modifying those  
6.5 standards while an emergency declaration is in effect.

6.6 **Sec. 8. [145.937] PROVISION OF VOLUNTEER HEALTH OR VETERINARY**  
6.7 **SERVICES; ADMINISTRATIVE SANCTIONS.**

6.8 (a) Subject to paragraphs (b) and (c), a volunteer health practitioner shall adhere  
6.9 to the scope of practice for a similarly licensed practitioner established by the licensing  
6.10 provisions, practice acts, or other laws of this state.

6.11 (b) Except as otherwise provided in paragraph (c), sections 145.931 to 145.939  
6.12 do not authorize a volunteer health practitioner to provide services that are outside the  
6.13 practitioner's scope of practice, even if a similarly licensed practitioner in this state would  
6.14 be permitted to provide the services.

6.15 (c) The Division of Emergency Management may modify or restrict the health or  
6.16 veterinary services that volunteer health practitioners may provide pursuant to sections  
6.17 145.931 to 145.939. An order under this paragraph may take effect immediately, without  
6.18 prior notice or comment, and is not a rule within the meaning of chapter 14.

6.19 (d) A host entity may restrict the health or veterinary services that a volunteer health  
6.20 practitioner may provide pursuant to sections 145.931 to 145.939.

6.21 (e) A volunteer health practitioner does not engage in unauthorized practice unless  
6.22 the practitioner has reason to know of any limitation, modification, or restriction under  
6.23 this section or that a similarly licensed practitioner in this state would not be permitted to  
6.24 provide the services. A volunteer health practitioner has reason to know of a limitation,  
6.25 modification, or restriction or that a similarly licensed practitioner in this state would  
6.26 not be permitted to provide a service if:

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

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

6.33 (f) In addition to the authority granted by law of this state other than sections  
6.34 145.931 to 145.939 to regulate the conduct of health practitioners, a licensing board or  
6.35 other disciplinary authority in this state:

- 7.1 (1) may impose administrative sanctions upon a health practitioner licensed in this  
7.2 state for conduct outside of this state in response to an out-of-state emergency;
- 7.3 (2) may impose administrative sanctions upon a practitioner not licensed in this state  
7.4 for conduct in this state in response to an in-state emergency; and
- 7.5 (3) shall report any administrative sanctions imposed upon a practitioner licensed  
7.6 in another state to the appropriate licensing board or other disciplinary authority in any  
7.7 other state in which the practitioner is known to be licensed.
- 7.8 (g) In determining whether to impose administrative sanctions under paragraph (f), a  
7.9 licensing board or other disciplinary authority shall consider the circumstances in which  
7.10 the conduct took place, including any exigent circumstances, and the practitioner's scope  
7.11 of practice, education, training, experience, and specialized skill.

7.12 **Sec. 9. [145.938] RELATION TO OTHER LAWS.**

- 7.13 (a) Sections 145.931 to 145.939 do not limit rights, privileges, or immunities  
7.14 provided to volunteer health practitioners by law other than sections 145.931 to 145.939.  
7.15 Except as otherwise provided in paragraph (b), sections 145.931 to 145.939 do not affect  
7.16 requirements for the use of health practitioners pursuant to the Emergency Management  
7.17 Assistance Compact.
- 7.18 (b) The Division of Emergency Management, pursuant to the Emergency  
7.19 Management Assistance Compact, may incorporate into the emergency forces of this state  
7.20 volunteer health practitioners who are not officers or employees of this state, a political  
7.21 subdivision of this state, or a municipality or other local government within this state.

7.22 **Sec. 10. [145.939] REGULATORY AUTHORITY.**

- 7.23 The Division of Emergency Management may adopt rules to implement sections  
7.24 145.931 to 145.939. In doing so, the Division of Emergency Management shall consult  
7.25 with and consider the recommendations of the entity established to coordinate the  
7.26 implementation of the Emergency Management Assistance Compact and shall also  
7.27 consult with and consider rules promulgated by similarly empowered agencies in other  
7.28 states to promote uniformity of application of sections 145.931 to 145.939 and make the  
7.29 emergency response systems in the various states reasonably compatible.