CHAPTER 16-B

UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT

§949. Short title

This chapter may be known and cited as "the Uniform Emergency Volunteer Health Practitioners Act." [PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 396, §5 (NEW).]

1. Disaster relief organization. "Disaster relief organization" means an entity that provides emergency or disaster relief services that include health services or veterinary services provided by volunteer health practitioners as long as the entity:

A. Is designated or recognized as a provider of those emergency or disaster relief services pursuant to a disaster response and recovery plan adopted by an agency of the Federal Government or the Maine Emergency Management Agency; or [PL 2017, c. 396, §5 (NEW).]

B. Regularly plans and conducts its activities in coordination with an agency of the Federal Government, the Maine Emergency Management Agency or the Department of Health and Human Services. [PL 2017, c. 396, §5 (NEW).]

[PL 2017, c. 396, §5 (NEW).]

2. Emergency. "Emergency" means an event or condition that is an actual or imminent civil emergency or disaster or an actual or threatened epidemic or public health threat that is the subject of an emergency proclamation pursuant to section 742 or an emergency declaration pursuant to Title 22, section 802.
[PL 2017, c. 396, §5 (NEW).]

3. Emergency declaration. "Emergency declaration" means a declaration or proclamation of emergency issued by a person authorized to do so under the laws of this State.
[PL 2017, c. 396, §5 (NEW).]

4. Emergency Management Assistance Compact. "Emergency Management Assistance Compact" means the interstate compact approved by the United States Congress in Public Law 104-321 (1996) and adopted by this State in chapter 16.
[PL 2017, c. 396, §5 (NEW).]

5. Entity. "Entity" means a person other than an individual.
[PL 2017, c. 396, §5 (NEW).]

6. Health facility. "Health facility" means an entity licensed under the laws of this State or another state to provide health services or veterinary services.
[PL 2017, c. 396, §5 (NEW).]

7. Health practitioner. "Health practitioner" means an individual licensed under the laws of this State or another state to provide health services or veterinary services.
[PL 2017, c. 396, §5 (NEW).]

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

A. The following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(1) Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care; and

(2) Counseling, assessment, procedures or other services; [PL 2017, c. 396, §5 (NEW).]

B. The sale or dispensing of a drug, a device, equipment or another item to an individual in accordance with a prescription; and [PL 2017, c. 396, §5 (NEW).]

C. Funeral, cremation, cemetery or other mortuary services. [PL 2017, c. 396, §5 (NEW).]
[PL 2017, c. 396, §5 (NEW).]

9. Host entity. "Host entity" means an entity operating in this State that uses volunteer health practitioners to respond to an emergency.
[PL 2017, c. 396, §5 (NEW).]

10. International Emergency Management Assistance Compact. "International Emergency Management Assistance Compact" means the mutual assistance compact described in chapter 16-A.
[PL 2017, c. 396, §5 (NEW).]

11. License. "License" means authorization by a state to provide health services or veterinary services that are unlawful without the authorization. "License" includes authorization under the laws of this State to an individual to provide health services or veterinary services based upon a national certification issued by a public or private entity.
[PL 2017, c. 396, §5 (NEW).]

12. Person. "Person" means an 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.
[PL 2017, c. 396, §5 (NEW).]

13. Scope of practice. "Scope of practice" means the extent of the authorization to provide health services or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority.
[PL 2017, c. 396, §5 (NEW).]

14. State. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a Canadian province that is a party to the International Emergency Management Assistance Compact.
[PL 2017, c. 396, §5 (NEW).]

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

A. 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; [PL 2017, c. 396, §5 (NEW).]

B. Use of a procedure for reproductive management; and [PL 2017, c. 396, §5 (NEW).]

C. Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans. [PL 2017, c. 396, §5 (NEW).]

[PL 2017, c. 396, §5 (NEW).]

16. Volunteer health practitioner. "Volunteer health practitioner" means a health practitioner who provides health services or veterinary services while an emergency declaration is in effect, whether or not the practitioner receives compensation for those services. "Volunteer health practitioner" does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in this State, unless the practitioner is not a resident of this State and is employed by a disaster relief organization providing services in this State while an emergency declaration is in effect.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-B. Applicability to volunteer health practitioners

This chapter applies only to volunteer health practitioners who are registered with a registration system that complies with section 949-D and who provide health services or veterinary services in this State for a host entity while an emergency declaration is in effect. [PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-C. Regulation of services during emergency

1. Order regulating practice. The Department of Health and Human Services, in coordination with the Maine Emergency Management Agency, may issue an order that limits, restricts or otherwise regulates the following while an emergency declaration is in effect:

A. The duration of practice by volunteer health practitioners; [PL 2017, c. 396, §5 (NEW).]

B. The geographical areas in which volunteer health practitioners may practice; [PL 2017, c. 396, §5 (NEW).]

C. The types of volunteer health practitioners who may practice; and [PL 2017, c. 396, §5 (NEW).]

D. Any other matters necessary to coordinate effectively the provision of health services or veterinary services during the emergency. [PL 2017, c. 396, §5 (NEW).]
[PL 2017, c. 396, §5 (NEW).]

2. Inapplicability of Maine Administrative Procedure Act. Notwithstanding the Maine Administrative Procedure Act, an order issued pursuant to subsection 1 may take effect immediately, without notice or comment, and is legally enforceable.
[PL 2017, c. 396, §5 (NEW).]

3. Duties of host entity. A host entity that uses volunteer health practitioners to provide health services or veterinary services in this State shall:

A. Consult and coordinate its activities with the Department of Health and Human Services or the Maine Emergency Management Agency to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and [PL 2017, c. 396, §5 (NEW).]

B. Comply with other laws relating to the management of emergency health services or veterinary services. [PL 2017, c. 396, §5 (NEW).]
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-D. Volunteer health practitioner registration systems

1. Registration system requirements. To qualify as a volunteer health practitioner registration system, a system must:

A. Accept applications for the registration of volunteer health practitioners before or during an emergency; [PL 2017, c. 396, §5 (NEW).]

B. Include information about the licensure and good standing of health practitioners that is accessible by authorized persons; [PL 2017, c. 396, §5 (NEW).]

C. 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 chapter; and [PL 2017, c. 396, §5 (NEW).]

D. Meet one of the following conditions:

(1) Be an emergency system for advance registration of volunteer health care professionals established by a state and funded through the federal Department of Health and Human Services under Section 319I of the federal Public Health Service Act, 42 United States Code, Section 247d-7b (2017);

(2) Be a local unit consisting of trained and equipped emergency response, public health and medical personnel formed pursuant to Section 2801 of the federal Public Health Service Act, 42 United States Code, Section 300hh (2017);

(3) 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 hospital; or

(e) Governmental entity; or

(4) Be designated by the Department of Health and Human Services, in coordination with the Maine Emergency Management Agency, as a registration system for the purposes of this chapter. [PL 2017, c. 396, §5 (NEW).]

[PL 2017, c. 396, §5 (NEW).]

2. Confirmation of registration. While an emergency declaration is in effect, the Department of Health and Human Services or the Maine Emergency Management Agency, a person authorized to act on behalf of the Department of Health and Human Services or the Maine Emergency Management Agency or a host entity may confirm whether volunteer health practitioners utilized in this State are registered with a registration system that complies with subsection 1. Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.
[PL 2017, c. 396, §5 (NEW).]

3. Notification by registration system. Upon request of a person in this State authorized under subsection 2, or a similarly authorized person in another state, a registration system located in this State shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.
[PL 2017, c. 396, §5 (NEW).]

4. Host entity discretion in selecting volunteers. A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-E. Recognition of volunteer health practitioners licensed in other states

1. Authority to practice during emergency. While an emergency declaration is in effect, a volunteer health practitioner registered with a registration system that complies with section 949-D and licensed and in good standing in the state upon which the practitioner's registration is based may practice in this State to the extent authorized by this chapter as if the practitioner were licensed in this State.
[PL 2017, c. 396, §5 (NEW).]

2. Disqualification based on professional discipline. A volunteer health practitioner qualified under subsection 1 is not entitled to the protections of this chapter if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked or subject to an agency order limiting or restricting practice privileges or has been voluntarily terminated under threat of sanction.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-F. No effect on credentialing and privileging

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Credentialing" means obtaining, verifying and assessing the qualifications of a health practitioner to provide treatment, care or services in or for a health facility. [PL 2017, c. 396, §5 (NEW).]

B. "Privileging" means 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. [PL 2017, c. 396, §5 (NEW).]
[PL 2017, c. 396, §5 (NEW).]

2. Health facility autonomy over credentialing and privileging. This chapter 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.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-G. Provision of volunteer health services or veterinary services; licensee discipline

1. Applicability of Maine scope of practice laws. Subject to subsections 2 and 3, a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts or other laws of this State.
[PL 2017, c. 396, §5 (NEW).]

2. Applicability of scope of practice laws of state where practitioner is licensed. Except as otherwise provided in subsection 3, this chapter does not authorize a volunteer health practitioner to

provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in this State would be permitted to provide the services.
[PL 2017, c. 396, §5 (NEW).]

3. Order modifying or limiting services. The Governor or the Governor's designee may issue an order that modifies or restricts the health services or veterinary services that volunteer health practitioners may provide pursuant to this chapter. Notwithstanding the Maine Administrative Procedure Act, an order issued pursuant to this subsection may take effect immediately, without notice or comment, and is legally enforceable.
[PL 2017, c. 396, §5 (NEW).]

4. Additional restrictions imposed by host entity. A host entity may restrict the health services or veterinary services that a volunteer health practitioner may provide pursuant to this chapter.
[PL 2017, c. 396, §5 (NEW).]

5. Unauthorized practice. 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 practitioner in this State 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 practitioner in this State would not be permitted to provide a service if:

A. The practitioner knows the limitation, modification or restriction exists or that a similarly licensed practitioner in this State would not be permitted to provide the service; or [PL 2017, c. 396, §5 (NEW).]

B. From all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification or restriction exists or that a similarly licensed practitioner in this State would not be permitted to provide the service. [PL 2017, c. 396, §5 (NEW).]

[PL 2017, c. 396, §5 (NEW).]

6. Volunteer health practitioner discipline. In addition to the authority granted by law of this State other than this chapter to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this State:

A. May discipline a health practitioner licensed in this State for conduct outside of this State in response to an out-of-state emergency; [PL 2017, c. 396, §5 (NEW).]

B. May discipline a health practitioner not licensed in this State for conduct in this State in response to an in-state emergency; and [PL 2017, c. 396, §5 (NEW).]

C. Shall report any discipline 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 practitioner is known to be licensed. [PL 2017, c. 396, §5 (NEW).]

[PL 2017, c. 396, §5 (NEW).]

7. Factors to be considered by disciplinary authority. In determining whether to impose discipline pursuant to subsection 6, a licensing board or other disciplinary authority shall consider 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.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-H. Relation to other laws

1. Other laws unaffected. This chapter does not limit the rights, privileges or immunities provided to volunteer health practitioners by laws other than this chapter. Except as otherwise provided in subsection 2, this chapter does not affect requirements for the use of health practitioners pursuant to the Emergency Management Assistance Compact or the International Emergency Management Assistance Compact.
[PL 2017, c. 396, §5 (NEW).]

2. Exceptions; Emergency Management Assistance Compact and International Emergency Management Assistance Compact. The Maine Emergency Management Agency, pursuant to section 784-A, the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact, may incorporate into the emergency forces of this State volunteer health practitioners who are not officers or employees of this State, a political subdivision of this State or a municipality or other local government within this State.
[PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-I. Regulatory authority

The Department of Health and Human Services may adopt rules to implement this chapter. In doing so, the Department of Health and Human Services shall consult with and consider the recommendations of the Maine Emergency Management Agency and shall also consult with and consider rules adopted by similarly empowered agencies in other states to promote uniformity of application of this chapter and make the emergency response systems in the various states reasonably compatible. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-J. Limitations on civil liability for volunteer health practitioners

A volunteer health practitioner who provides health services or veterinary services in accordance with this chapter is immune from liability for injury or death arising from the provision of those services to the extent provided in Title 24, section 2904. [PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

§949-K. Uniformity of application and construction

In applying and construing this uniform 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. [PL 2017, c. 396, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 396, §5 (NEW).

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