
ENGROSSED SUBSTITUTE SENATE BILL 5990

State of Washington

65th Legislature

2018 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Van De Wege, Pedersen, and Kuderer; by request of Uniform Law Commission)

READ FIRST TIME 01/24/18.

1 AN ACT Relating to the uniform emergency volunteer health
2 practitioners act; and adding a new chapter to Title 70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and
5 cited as the uniform emergency volunteer health practitioners act.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Department" means the department of health.

10 (2) "Disaster relief organization" means an entity that provides
11 emergency or disaster relief services that include health or
12 veterinary services provided by volunteer health practitioners and
13 that:

14 (a) Is designated or recognized as a provider of those services
15 pursuant to a disaster response and recovery plan adopted by an
16 agency of the federal government or the department; or

17 (b) Regularly plans and conducts its activities in coordination
18 with an agency of the federal government or the department.

19 (3) "Emergency" means an event or condition that is an emergency,
20 disaster, or public health emergency under chapter 38.52 RCW.

1 (4) "Emergency declaration" means a proclamation of a state of
2 emergency issued by the governor under RCW 43.06.010.

3 (5) "Emergency management assistance compact" means the
4 interstate compact approved by congress by P.L. 104-321, 110 Stat.
5 3877, RCW 38.10.010.

6 (6) "Entity" means a person other than an individual.

7 (7) "Health facility" means an entity licensed under the laws of
8 this or another state to provide health or veterinary services.

9 (8) "Health practitioner" means an individual licensed under the
10 laws of this or another state to provide health or veterinary
11 services.

12 (9) "Health services" means the provision of treatment, care,
13 advice or guidance, or other services, or supplies, related to the
14 health or death of individuals or human populations, to the extent
15 necessary to respond to an emergency, including:

16 (a) The following, concerning the physical or mental condition or
17 functional status of an individual or affecting the structure or
18 function of the body:

19 (i) Preventive, diagnostic, therapeutic, rehabilitative,
20 maintenance, or palliative care; and

21 (ii) Counseling, assessment, procedures, or other services;

22 (b) Sale or dispensing of a drug, a device, equipment, or another
23 item to an individual in accordance with a prescription; and

24 (c) Funeral, cremation, cemetery, or other mortuary services.

25 (10) "Host entity" means an entity operating in this state which
26 uses volunteer health practitioners to respond to an emergency.

27 (11) "License" means authorization by a state to engage in health
28 or veterinary services that are unlawful without the authorization.
29 The term includes authorization under the laws of this state to an
30 individual to provide health or veterinary services based upon a
31 national certification issued by a public or private entity.

32 (12) "Person" means an individual, corporation, business trust,
33 trust, partnership, limited liability company, association, joint
34 venture, public corporation, government or governmental subdivision,
35 agency, or instrumentality, or any other legal or commercial entity.

36 (13) "Scope of practice" means the extent of the authorization to
37 provide health or veterinary services granted to a health
38 practitioner by a license issued to the practitioner in the state in
39 which the principal part of the practitioner's services are rendered,
40 including any conditions imposed by the licensing authority.

1 (14) "State" means a state of the United States, the District of
2 Columbia, Puerto Rico, the United States Virgin Islands, or any
3 territory or insular possession subject to the jurisdiction of the
4 United States.

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

9 (a) Diagnosis, treatment, or prevention of an animal disease,
10 injury, or other physical or mental condition by the prescription,
11 administration, or dispensing of vaccine, medicine, surgery, or
12 therapy;

13 (b) Use of a procedure for reproductive management; and

14 (c) Monitoring and treatment of animal populations for diseases
15 that have spread or demonstrate the potential to spread to humans.

16 (16) "Volunteer health practitioner" means a health practitioner
17 who provides health or veterinary services, whether or not the
18 practitioner receives compensation for those services. The term does
19 not include a practitioner who receives compensation pursuant to a
20 preexisting employment relationship with a host entity or affiliate
21 which requires the practitioner to provide health services in this
22 state, unless the practitioner is not a resident of this state and is
23 employed by a disaster relief organization providing services in this
24 state while an emergency declaration is in effect.

25 NEW SECTION. **Sec. 3.** APPLICABILITY TO VOLUNTEER HEALTH
26 PRACTITIONERS. This chapter applies to volunteer health practitioners
27 registered with a registration system that complies with section 5 of
28 this act and who provide health or veterinary services in this state
29 for a host entity while an emergency declaration is in effect.

30 NEW SECTION. **Sec. 4.** REGULATION OF SERVICES DURING EMERGENCY.

31 (1) While an emergency declaration is in effect, the department may
32 limit, restrict, or otherwise regulate:

33 (a) The duration of practice by volunteer health practitioners;

34 (b) The geographical areas in which volunteer health
35 practitioners may practice;

36 (c) The types of volunteer health practitioners who may practice;
37 and

1 (d) Any other matters necessary to coordinate effectively the
2 provision of health or veterinary services during the emergency.

3 (2) An order issued pursuant to subsection (1) of this section
4 may take effect immediately, without prior notice or comment, and is
5 not a rule within the meaning of the administrative procedure act,
6 chapter 34.05 RCW.

7 (3) A host entity that uses volunteer health practitioners to
8 provide health or veterinary services in this state shall:

9 (a) Consult and coordinate its activities with the department to
10 the extent practicable to provide for the efficient and effective use
11 of volunteer health practitioners; and

12 (b) Comply with any laws other than this chapter relating to the
13 management of emergency health or veterinary services.

14 NEW SECTION. **Sec. 5.** VOLUNTEER HEALTH PRACTITIONER REGISTRATION
15 SYSTEMS. (1) To qualify as a volunteer health practitioner
16 registration system, a system must:

17 (a) Accept applications for the registration of volunteer health
18 practitioners before or during an emergency;

19 (b) Include information about the licensure and good standing of
20 health practitioners which is accessible by authorized persons;

21 (c) Be capable of confirming the accuracy of information
22 concerning whether a health practitioner is licensed and in good
23 standing before health services or veterinary services are provided
24 under this chapter; and

25 (d) Meet one of the following conditions:

26 (i) Be an emergency system for advance registration of volunteer
27 health care practitioners established by a state and funded through
28 the United States department of health and human services under
29 section 319I of the public health services act, 42 U.S.C. Sec.
30 247d-7b, as it existed on the effective date of this section, or such
31 subsequent date as may be provided by the department by rule,
32 consistent with the purposes of this section;

33 (ii) Be a local unit consisting of trained and equipped emergency
34 response, public health, and medical personnel formed pursuant to
35 section 2801 of the public health services act, 42 U.S.C. Sec. 300hh,
36 as it existed on the effective date of this section, or such
37 subsequent date as may be provided by the department by rule,
38 consistent with the purposes of this section;

39 (iii) Be operated by a:

- 1 (A) Disaster relief organization;
2 (B) Licensing board;
3 (C) National or regional association of licensing boards or
4 health practitioners;
5 (D) Health facility that provides comprehensive inpatient and
6 outpatient healthcare services, including a tertiary care, teaching
7 hospital, or acute care facility; or
8 (E) Governmental entity; or
9 (iv) Be designated by the department as a registration system for
10 purposes of this chapter.

11 (2) While an emergency declaration is in effect, the department,
12 a person authorized to act on behalf of the department, or a host
13 entity may confirm whether volunteer health practitioners utilized in
14 this state are registered with a registration system that complies
15 with subsection (1) of this section. Confirmation is limited to
16 obtaining identities of the practitioners from the system and
17 determining whether the system indicates that the practitioners are
18 licensed and in good standing.

19 (3) Upon request of a person in this state authorized under
20 subsection (2) of this section, or a similarly authorized person in
21 another state, a registration system located in this state shall
22 notify the person of the identities of volunteer health practitioners
23 and whether the practitioners are licensed and in good standing.

24 (4) A host entity is not required to use the services of a
25 volunteer health practitioner even if the practitioner is registered
26 with a registration system that indicates that the practitioner is
27 licensed and in good standing.

28 NEW SECTION. **Sec. 6.** RECOGNITION OF VOLUNTEER HEALTH
29 PRACTITIONERS LICENSED IN OTHER STATES. (1) While an emergency
30 declaration is in effect, a volunteer health practitioner, registered
31 with a registration system that complies with section 5 of this act
32 and licensed and in good standing in the state upon which the
33 practitioner's registration is based, may practice in this state to
34 the extent authorized by this chapter as if the practitioner were
35 licensed in this state.

36 (2) A volunteer health practitioner qualified under subsection
37 (1) of this section is not entitled to the protections of this
38 chapter if the practitioner is licensed in more than one state and
39 any license of the practitioner is suspended, revoked, or subject to

1 an agency order limiting or restricting practice privileges, or has
2 been voluntarily terminated under threat of sanction.

3 NEW SECTION. **Sec. 7.** NO EFFECT ON CREDENTIALING AND
4 PRIVILEGING. (1) As used in this section:

5 (a) "Credentialing" means obtaining, verifying, and assessing the
6 qualifications of a health practitioner to provide treatment, care,
7 or services in or for a health facility.

8 (b) "Privileging" means the authorizing by an appropriate
9 authority, such as a governing body, of a health practitioner to
10 provide specific treatment, care, or services at a health facility
11 subject to limits based on factors that include license, education,
12 training, experience, competence, health status, and specialized
13 skill.

14 (2) This chapter does not affect credentialing or privileging
15 standards of a health facility and does not preclude a health
16 facility from waiving or modifying those standards while an emergency
17 declaration is in effect.

18 NEW SECTION. **Sec. 8.** PROVISION OF VOLUNTEER HEALTH OR
19 VETERINARY SERVICES—ADMINISTRATIVE SANCTIONS. (1) Subject to
20 subsections (2) and (3) of this section, a volunteer health
21 practitioner shall adhere to the scope of practice for a similarly
22 licensed practitioner established by the licensing provisions,
23 practice acts, or other laws of this state.

24 (2) Except as otherwise provided in subsection (3) of this
25 section, this chapter does not authorize a volunteer health
26 practitioner to provide services that are outside the practitioner's
27 scope of practice, even if a similarly licensed practitioner in this
28 state would be permitted to provide the services.

29 (3) The department may modify or restrict the health or
30 veterinary services that volunteer health practitioners may provide
31 pursuant to this chapter. An order under this subsection may take
32 effect immediately, without prior notice or comment, and is not a
33 rule within the meaning of the administrative procedure act, chapter
34 34.05 RCW.

35 (4) A host entity may restrict the health or veterinary services
36 that a volunteer health practitioner may provide pursuant to this
37 chapter.

1 (5) A volunteer health practitioner does not engage in
2 unauthorized practice unless the practitioner has reason to know of
3 any limitation, modification, or restriction under this section or
4 that a similarly licensed practitioner in this state would not be
5 permitted to provide the services. A volunteer health practitioner
6 has reason to know of a limitation, modification, or restriction or
7 that a similarly licensed practitioner in this state would not be
8 permitted to provide a service if:

9 (a) The practitioner knows the limitation, modification, or
10 restriction exists or that a similarly licensed practitioner in this
11 state would not be permitted to provide the service; or

12 (b) From all the facts and circumstances known to the
13 practitioner at the relevant time, a reasonable person would conclude
14 that the limitation, modification, or restriction exists or that a
15 similarly licensed practitioner in this state would not be permitted
16 to provide the service.

17 (6) In addition to the authority granted by law of this state
18 other than this chapter to regulate the conduct of health
19 practitioners, a licensing board or other disciplinary authority in
20 this state:

21 (a) May impose administrative sanctions upon a health
22 practitioner licensed in this state for conduct outside of this state
23 in response to an out-of-state emergency;

24 (b) May impose administrative sanctions upon a practitioner not
25 licensed in this state for conduct in this state in response to an
26 in-state emergency; and

27 (c) Shall report any administrative sanctions imposed upon a
28 practitioner licensed in another state to the appropriate licensing
29 board or other disciplinary authority in any other state in which the
30 practitioner is known to be licensed.

31 (7) In determining whether to impose administrative sanctions
32 under subsection (6) of this section, a licensing board or other
33 disciplinary authority shall consider the circumstances in which the
34 conduct took place, including any exigent circumstances, and the
35 practitioner's scope of practice, education, training, experience,
36 and specialized skill.

37 NEW SECTION. **Sec. 9.** RELATION TO OTHER LAWS. (1) This chapter
38 does not limit rights, privileges, or immunities provided to
39 volunteer health practitioners by laws other than this chapter.

1 Except as otherwise provided in subsection (2) of this section, this
2 chapter does not affect requirements for the use of health
3 practitioners pursuant to the emergency management assistance compact
4 or the pacific northwest emergency management arrangement approved by
5 congress by P.L. 105-381, 112 Stat. 3402.

6 (2) The department, pursuant to the emergency management
7 assistance compact or the pacific northwest emergency management
8 arrangement approved by congress by P.L. 105-381, 112 Stat. 3402, may
9 incorporate into the emergency forces of this state volunteer health
10 practitioners who are not officers or employees of this state, a
11 political subdivision of this state, or a municipality or other local
12 government within this state.

13 NEW SECTION. **Sec. 10.** REGULATORY AUTHORITY. The department may
14 promulgate rules to implement this chapter. In doing so, the
15 department shall consult with and consider the recommendations of the
16 state military department as the agency established to carry out the
17 state's program for emergency management, and coordinate the
18 implementation of the emergency management assistance compact with
19 the state military department to ensure conformity with the state's
20 program for emergency management and the coordination of all response
21 activities through the state's emergency operations center during a
22 state of emergency. The department shall also consult with and
23 consider rules promulgated by similarly empowered agencies in other
24 states to promote uniformity of application of this chapter and make
25 the emergency response systems in the various states reasonably
26 compatible.

27 NEW SECTION. **Sec. 11.** WORKERS' COMPENSATION COVERAGE. (1) A
28 volunteer health practitioner who dies or is injured as the result of
29 providing health or veterinary services pursuant to this chapter is
30 deemed to be an employee of this state for the purpose of receiving
31 benefits for the death or injury under the workers' compensation law
32 of this state, Title 51 RCW, if:

33 (a) The practitioner is not otherwise eligible for such benefits
34 for the injury or death under the law of this or another state; and

35 (b) The practitioner, or in the case of death the practitioner's
36 personal representative, elects coverage under the workers'
37 compensation law of this state, Title 51 RCW, by making a claim under
38 that law.

1 (2) The department in consultation with the department of labor
2 and industries shall adopt rules, enter into agreements with other
3 states, or take other measures to facilitate the receipt of benefits
4 for injury or death under the workers' compensation law of this
5 state, Title 51 RCW, by volunteer health practitioners who reside in
6 other states, and may waive or modify requirements for filing,
7 processing, and paying claims that unreasonably burden the
8 practitioners. To promote uniformity of application of this chapter
9 with other states that enact similar legislation, the department
10 shall consult with and consider the practices for filing, processing,
11 and paying claims by agencies with similar authority in other states.

12 (3) For the purposes of this section, "injury" means a physical
13 or mental injury or disease for which an employee of this state who
14 is injured or contracts the disease in the course of the employee's
15 employment would be entitled to benefits under the workers'
16 compensation law of this state, Title 51 RCW.

17 NEW SECTION. **Sec. 12.** LIABILITY. (1) No act or omission, except
18 those acts or omissions constituting gross negligence or willful or
19 wanton misconduct, by a volunteer health practitioner registered and
20 providing services within the provisions of this chapter shall impose
21 any liability for civil damages resulting from such an act or
22 omission upon:

23 (a) The emergency volunteer health practitioner;

24 (b) The supervisor or supervisors of the emergency volunteer
25 health practitioner;

26 (c) Any facility or their officers or employees;

27 (d) The employer of the emergency volunteer health practitioner;

28 (e) The owner of the property or vehicle where the act or
29 omission may have occurred;

30 (f) Any organization that registered the emergency volunteer
31 health practitioner under the provisions of this chapter;

32 (g) The state or any state or local governmental entity; or

33 (h) Any professional or trade association of the emergency
34 volunteer health practitioner.

35 (2) A person that, pursuant to this chapter, operates, uses, or
36 relies upon information provided by a volunteer health practitioner
37 registration system is not liable for damages for an act or omission
38 relating to that operation, use, or reliance unless the act or

1 omission constitutes gross negligence, an intentional tort, or
2 willful or wanton misconduct.

3 NEW SECTION. **Sec. 13.** UNIFORMITY OF APPLICATION AND
4 CONSTRUCTION. In applying and construing this uniform act,
5 consideration must be given to the need to promote uniformity of the
6 law with respect to its subject matter among states that enact it.

7 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
8 constitute a new chapter in Title 70 RCW.

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