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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY VOLUNTEER
HEALTH PRACTITIONERS ACT

Introduced By: Representative Thomas E. Noret

Date Introduced: February 18, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 30 of the General Laws entitled "MILITARY AFFAIRS AND
2 DEFENSE" is hereby amended by adding thereto the following chapter:

3 CHAPTER 15.10

4 EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT

5 **30-15.10-1. Short title.**

6 This chapter shall be known and may be cited as the "Emergency Volunteer Health
7 Practitioners Act."

8 **30-15.10-2. Definitions.**

9 The following definitions apply in the interpretation of the provisions of this chapter:

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

12 (2) "Director" means the director of the Rhode Island department of health (RIDOH) or his
13 or her duly authorized agent.

14 (3) "Disaster relief organization" means an entity that provides emergency or disaster relief
15 services that include health or veterinary services provided by volunteer health practitioners and
16 that:

17 (i) Is designated or recognized as a provider of those services pursuant to a disaster
18 response and recovery plan adopted by an agency of the federal government or the governor

1 pursuant to § 30-15-7 or the Rhode Island department of health (RIDOH); or
2 (ii) Regularly plans and conducts its activities in coordination with an agency of the federal
3 government or the RIDOH.
4 (4) "Emergency" means a serious, dangerous or unexpected situation that causes or
5 potentially causes widespread or substantial loss of life, injury, damage or public health concern
6 for a significant number of persons or substantial loss to property including, but not limited to, an
7 occurrence defined as a "disaster" pursuant to § 30-15-3
8 (5) "Emergency declaration" means a declaration of a disaster emergency issued by the
9 governor pursuant to § 30-15-9.
10 (6) "Emergency management assistance compact" means a compact approved and adopted
11 pursuant to chapters 15 or 15.9 of title 30.
12 (7) "Entity" means a person other than an individual.
13 (8) "Health facility" means an entity licensed under the laws of this or another state to
14 provide health or veterinary services.
15 (9) "Health practitioner" means an individual licensed under the laws of this or another
16 state to provide health or veterinary services.
17 (10) "Health services" means the provision of treatment, care, advice or guidance, or other
18 services, or supplies, related to the health or death of individuals or human populations, to the extent
19 necessary to respond to an emergency, including:
20 (i) The following, concerning the physical or mental condition or functional status of an
21 individual or affecting the structure or function of the body:
22 (A) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and
23 (B) Counseling, assessment, procedures, or other services;
24 (ii) Sale or dispensing of a drug, a device, equipment, or another item to an individual in
25 accordance with a prescription; and
26 (iii) Funeral, cremation, cemetery, or other mortuary services.
27 (11) "Host entity" means an entity operating in this state which uses volunteer health
28 practitioners to respond to an emergency.
29 (12) "License" means authorization by a state to engage in health or veterinary services
30 that are unlawful without the authorization. The term includes authorization under the laws of this
31 state to an individual to provide health or veterinary services based upon a national certification
32 issued by a public or private entity.
33 (13) "Local emergency declaration" means a declaration pursuant to § 30-15-13.
34 (14) "Person" means an individual, corporation, business trust, trust, partnership, limited

1 liability company, association, joint venture, public corporation, government or governmental
2 subdivision, agency, or instrumentality, or any other legal or commercial entity.

3 (15) "Privileging" means the authorizing by an appropriate authority, such as a governing
4 body, of a health practitioner to provide specific treatment, care, or services at a health facility
5 subject to limits based on factors that include license, education, training, experience, competence,
6 health status, and specialized skill.

7 (16) "Scope of practice" means the extent of the authorization to provide health or
8 veterinary services granted to a health practitioner by a license issued to the practitioner in the state
9 in which the principal part of the practitioner's services are rendered, including any conditions
10 imposed by the director.

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

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

17 (i) Diagnosis, treatment, or prevention of an animal disease, injury, or other physical or
18 mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery,
19 or therapy;

20 (ii) Use of a procedure for reproductive management; and

21 (iii) Monitoring and treatment of animal populations for diseases that have spread or
22 demonstrate the potential to spread to humans.

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

30 **30-15.10-3. Applicability to volunteer health practitioners.**

31 This chapter applies to volunteer health practitioners registered with a registration system
32 that complies with § 30-15.10-5 and who provide health or veterinary services in this state for a
33 host entity while an emergency declaration or a local emergency declaration is in effect.

34 **30-15.10-4. Regulation of services during emergency.**

1 (a) While an emergency declaration, or a local emergency declaration, is in effect, the
2 director may limit, restrict, or otherwise regulate:

3 (1) The duration of practice by volunteer health practitioners;

4 (2) The geographical areas in which volunteer health practitioners may practice;

5 (3) The types of volunteer health practitioners who may practice; and

6 (4) Any other matters necessary to coordinate effectively the provision of health or
7 veterinary services during the emergency.

8 (b) An order issued pursuant to subsection (a) of this section may take effect immediately,
9 without prior notice or comment, and is not a rule within the meaning of chapter 35 of title 42, (the
10 "administrative procedures act").

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

13 (1) Consult and coordinate its activities with RIDOH to the extent practicable to provide
14 for the efficient and effective use of volunteer health practitioners; and

15 (2) Comply with any laws other than this chapter relating to the management of emergency
16 health or veterinary services, including chapter 15.9 of title 30.

17 **.30-15.10-5. Volunteer health practitioner registration systems.**

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

19 (1) Accept applications for the registration of volunteer health practitioners before or
20 during an emergency;

21 (2) Include information about the licensure and good standing of health practitioners which
22 is accessible by authorized persons;

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

26 (4) Meet one of the following conditions:

27 (i) Be an emergency system for advance registration of volunteer health care practitioners
28 established by a state and funded through the Department of Health and Human Services under
29 Section 3191 of the Public Health Services Act, 42 U.S.C. Section 247d-7b (as amended);

30 (ii) Be a local unit consisting of trained and equipped emergency response, public health,
31 and medical personnel formed pursuant to Section 2801 of the Public Health Services Act, 42
32 U.S.C. Section 300hh (as amended);

33 (iii) Be operated by a:

34 (A) Disaster relief organization;

- 1 (B) Licensing board;
2 (C) National or regional association of licensing boards or health practitioners;
3 (D) Health facility that provides comprehensive inpatient and outpatient health care
4 services, including a tertiary care, teaching hospital or acute care facility; or
5 (E) Governmental entity; or

6 (iv) Be designated by the director as a registration system for purposes of this chapter.
7 (b) While an emergency declaration to include a local emergency declaration is in effect,
8 the director may confirm whether volunteer health practitioners utilized in this state are registered
9 with a registration system that complies with subsection (a) of this section. Confirmation is limited
10 to obtaining identities of the practitioners from the system and determining whether the system
11 indicates that the practitioners are licensed and in good standing.

12 (c) Upon request submitted by the director, or a similarly authorized person in another
13 state, a registration system located in this state shall notify the person making the request of the
14 identities of volunteer health practitioners and whether the practitioners are licensed and in good
15 standing.

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

19 **30-15.10-6. Recognition of volunteer health practitioners licensed in other states.**

20 (a) While an emergency declaration or a local emergency declaration is in effect, a
21 volunteer health practitioner, registered with a registration system that complies with § 30-15.10-5
22 and licensed and in good standing in the state upon which the practitioner's registration is based,
23 may practice in this state to the extent authorized by this chapter as if the practitioner were licensed
24 in this state.

25 (b) A volunteer health practitioner qualified under subsection (a) of this section is not
26 entitled to the protections of this chapter if the practitioner is licensed in more than one state and
27 any license of the practitioner is suspended, revoked, or subject to an agency order limiting or
28 restricting practice privileges, or has been voluntarily terminated under threat of sanction.

29 **30-15.10-7. No effect on credentialing and privileging.**

30 This chapter does not affect credentialing or privileging standards of a health facility and
31 does not preclude a health facility from waiving or modifying those standards while an emergency
32 declaration or a local emergency declaration is in effect.

33 **30-15.10-8. Provision of volunteer health or veterinary services -- Administrative**
34 **sanctions.**

1 (a) Subject to subsections (b) and (c) of this section, a volunteer health practitioner shall
2 adhere to the scope of practice for a similarly licensed practitioner established by the licensing
3 provisions, practice acts, other laws of this state, and rules and regulations promulgated by the
4 director.

5 (b) Except as otherwise provided in subsection (c) of this section, this chapter does not
6 authorize a volunteer health practitioner to provide services that are outside the practitioner's scope
7 of practice, even if a similarly licensed practitioner in this state would be permitted to provide the
8 services.

9 (c) The director may modify or restrict the health or veterinary services that volunteer
10 health practitioners may provide pursuant to this chapter. An order under this subsection may take
11 effect immediately, without prior notice or comment, and is not a rule within the meaning of chapter
12 35 of title 42 (the "administrative procedures act").

13 (d) A host entity may restrict the health or veterinary services that a volunteer health
14 practitioner may provide pursuant to this chapter.

15 (e) A volunteer health practitioner does not engage in unauthorized practice unless the
16 practitioner has reason to know of any limitation, modification, or restriction under this chapter or
17 that a similarly licensed practitioner in this state would not be permitted to provide the services. A
18 volunteer health practitioner has reason to know of a limitation, modification, or restriction or that
19 a similarly licensed practitioner in this state would not be permitted to provide a service if:

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

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

25 (f) In addition to the authority granted by law of this state other than this chapter to regulate
26 the conduct of health practitioners, the RIDOH board of medical licensure and discipline:

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

29 (2) May impose administrative sanctions upon a practitioner not licensed in this state for
30 conduct in this state in response to an in-state emergency; and

31 (3) Shall report any administrative sanctions imposed upon a practitioner licensed in
32 another state to the appropriate licensing board or other disciplinary authority in any other state in
33 which the practitioner is known to be licensed.

34 (g) In determining whether to impose administrative sanctions under subsection (f) of this

1 section, the RIDOH board of medical licensure and discipline shall consider the circumstances in
2 which the conduct took place, including any exigent circumstances, and the practitioner's scope of
3 practice, education, training, experience, and specialized skill.

4 **30-15.10-9. Relation to other laws.**

5 (a) This chapter does not limit rights, privileges, or immunities provided to volunteer health
6 practitioners by laws other than this chapter. Except as otherwise provided in subsection (b) of this
7 section, this chapter does not affect requirements for the use of health practitioners pursuant to
8 chapter 15.9 of title 30, (the "emergency management assistance compact").

9 (b) The director, pursuant to the emergency management assistance compact, may
10 incorporate into the emergency forces of this state volunteer health practitioners who are not
11 officers or employees of this state, a political subdivision of this state, or a municipality or other
12 local government within this state.

13 **30-15.10-10. Rules and regulations.**

14 The director shall promulgate rules and regulations to implement the provisions of this
15 chapter. The director shall consider rules promulgated by authorities in other states in an effort to
16 promote public safety, uniformity and compatibility of emergency response to public health
17 emergencies.

18 **30-15.10-11. Limitations on civil liability.**

19 (a) Subject to subsection (c) of this section, a volunteer health practitioner is not liable for
20 damages for an act or omission of the practitioner in providing health or veterinary services
21 pursuant to this chapter for those services. Reimbursement of, or allowance for, reasonable
22 expenses, or continuation of salary or other remuneration while on leave, is not compensation under
23 this subsection.

24 (b) No person is vicariously liable for damages for an act or omission of a volunteer health
25 practitioner if the practitioner is not liable for damages under subsection (a) of this section.

26 (c) This section does not limit the liability of a volunteer health practitioner for:

27 (1) Willful misconduct or wanton, grossly negligent, reckless, or criminal conduct;

28 (2) An intentional tort;

29 (3) Breach of contract;

30 (4) A claim asserted by a host entity or by an entity located in this or another state which
31 employs or uses the services of the practitioner; or

32 (5) An act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other
33 vehicle.

34 (d) A person that, pursuant to this chapter, operates, uses, or relies upon information

1 provided by a volunteer health practitioner registration system is not liable for damages for an act
2 or omission relating to that operation, use, or reliance unless the act or omission is an intentional
3 tort, willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.

4 (e) In addition to the protections provided in subsection (a) of this section, a volunteer
5 health practitioner who provides health services pursuant to this chapter is entitled to all the rights,
6 privileges, or immunities provided by §§ 9-1-27.1, 21-28.9-3, or 30-15-15.

7 **30-15.10-12. Workers' compensation coverage.**

8 (a) For purposes of this section, "injury" has the same meaning as it does in § 28-29-2.

9 (b) A volunteer health practitioner who dies or is injured as the result of providing health
10 or veterinary services pursuant to this chapter is deemed to be an employee of this state for the
11 purpose of receiving benefits for the death or injury under the workers' compensation law, chapters
12 29 through 37 of title 28, of this state if:

13 (1) The practitioner is not otherwise eligible for such benefits for the injury or death under
14 the law of this or another state; and

15 (2) The practitioner, or in the case of death the practitioner's personal representative, elects
16 coverage under the workers' compensation law of this state by making a claim pursuant to the
17 provisions of chapters 29 through 37 of title 28.

18 (c) The director of the department of administration shall adopt rules, and may enter into
19 agreements with other states, or take other measures to facilitate the receipt of benefits for injury
20 or death under the workers' compensation law of this state by volunteer health practitioners who
21 reside in other states, and may waive or modify requirements for filing, processing, and paying
22 claims that unreasonably burden the practitioners. To promote uniformity of application of this
23 chapter with other states that enact similar legislation, the director of the department of
24 administration may consult with and consider the practices for filing, processing, and paying claims
25 by agencies with similar authority in other states.

26 **30-15.10-13. Application and construction.**

27 In applying and construing the provisions of this chapter, consideration shall be given to
28 the administration of emergency health care services to promote public safety and to the application
29 of similar legislation by other states.

30 **30-15.10-14. Severability.**

31 If any section or provision or the application or provision of this chapter to any person or
32 circumstance shall be held to be invalid, the validity of the remainder of the sections and the
33 applicability of the sections or provisions to other persons or circumstances shall not be affected.

34 SECTION 2. Section 30-15-15 of the General Laws in Chapter 30-15 entitled "Emergency

1 Management" is hereby amended to read as follows:

2 **30-15-15. Immunity from liability -- Compensation for death or injury of disaster**
3 **response workers.**

4 (a) All functions under this chapter, and all other activities relating to disaster response, are
5 hereby declared to be governmental functions. Neither the state, nor any political subdivision
6 thereof, nor other agencies of the state or political subdivision thereof, nor, except in cases of willful
7 misconduct, gross negligence, or bad faith, any disaster response worker complying with, or
8 reasonably attempting to comply with this chapter, or any order, rule, or regulation promulgated
9 pursuant to the provisions of this chapter, or pursuant to any ordinance relating to precautionary
10 measures enacted by any political subdivision of the state, shall be liable for the death of, or injury
11 to, persons, or for damage to property, as a result of disaster response activity. The provisions of
12 this section shall not affect the right of any person to receive benefits to which he or she would
13 otherwise be entitled under this chapter, nor under the Workers' Compensation Act, chapters 29 --
14 38 of title 28, nor under any pension law, nor the right of any person to receive any benefits or
15 compensation under any act of Congress.

16 (b) Any requirement for a license to practice any professional, mechanical, or other skill
17 shall not apply to any authorized disaster response worker who shall, in the course of performing
18 his or her duties as such [in compliance with the provisions of chapter of 15.10 of title 30, if](#)
19 [applicable](#), practice such professional, mechanical, or other skill during a disaster emergency.

20 (c) In the absence of any other benefits as provided by law, all disaster response workers
21 who shall be killed or sustain disability or injury while in training for or on disaster response duty
22 shall be construed to be employees of the state, any other provisions of the law to the contrary
23 notwithstanding, and shall be compensated in like manner as state employees are compensated
24 under the provisions of chapters 29 -- 38 of title 28.

25 (d) As used in this section, the term "disaster response worker" shall include any full- or
26 part-time paid, volunteer, or auxiliary employee of this state, other states, territories, or possessions,
27 the District of Columbia, the federal government, any neighboring country, or any political
28 subdivision thereof, or any agency or organization, or any private person, firm, or corporation
29 performing disaster response services at any place in this state subject to the order or control of, or
30 pursuant to a request of, the state government or any political subdivision thereof.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY VOLUNTEER
HEALTH PRACTITIONERS ACT

1 This act would provide that during a period of a declared emergency volunteer health
2 practitioners and organizations from other states would be permitted to provide medical and
3 veterinary services pursuant to rules and regulations promulgated by the director of the Rhode
4 Island department of health. This act would further provide that the volunteer health practitioners
5 would have limited immunity for acts or omissions while providing services, and the practitioners
6 would be treated as if state employees for workers' compensation purposes.

7 This act would take effect upon passage.

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