



1 impose administrative sanctions; requiring certain  
2 reporting; requiring certain consideration; providing  
3 for certain rights, privileges or immunities;  
4 permitting the Department to incorporate certain  
5 volunteer health practitioners; authorizing the State  
6 Board of Health to promulgate rules; requiring  
7 consideration for uniformity; providing for  
8 codification; and declaring an emergency.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

9 SECTION 1. REPEALER 63 O.S. 2011, Sections 684.14,  
10 684.15, 684.16, 684.17, 684.18, 684.19, 684.20, 684.21, 684.22,  
11 684.23 and 684.24, are hereby repealed.

12 SECTION 2. REPEALER Section 19, Chapter 473, O.S.L. 2003  
13 (63 O.S. Supp. 2008, Section 6602), is hereby repealed.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 684.25 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 Sections 3 through 13 of this act shall be known and may be  
18 cited as the "Uniform Emergency Volunteer Health Practitioners Act".

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 684.26 of Title 63, unless there  
21 is created a duplication in numbering, reads as follows:

22 As used in the Uniform Emergency Volunteer Health Practitioners  
23 Act:

1 1. "Disaster relief organization" means an entity that provides  
2 emergency or disaster relief services that include health or  
3 veterinary services provided by volunteer health practitioners and  
4 that:

5 a. is designated or recognized as a provider of those  
6 services pursuant to a disaster response and recovery  
7 plan adopted by an agency of the federal government or  
8 the State Department of Health, and

9 b. regularly plans and conducts its activities in  
10 coordination with an agency of the federal government  
11 or the State Department of Health;

12 2. "Emergency" means an event or condition that is an emergency  
13 pursuant to the Oklahoma Emergency Management Act of 2003 or the  
14 Catastrophic Health Emergency Powers Act;

15 3. "Emergency declaration" means a declaration of emergency  
16 issued by a person authorized to do so under the laws of this state  
17 pursuant to the Oklahoma Emergency Management Act of 2003 or the  
18 Catastrophic Health Emergency Powers Act;

19 4. "Emergency Management Assistance Compact" means the  
20 interstate compact approved by Congress by Public Law No. 104-  
21 321,110 Stat. 3877;

22 5. "Entity" means a person other than an individual;

23 6. "Health facility" means an entity licensed under the laws of  
24 this or another state to provide health or veterinary services;

1       7. "Health practitioner" means an individual licensed under the  
2 laws of this or another state to provide health or veterinary  
3 services;

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

8           a. the following, concerning the physical or mental  
9 condition or functional status of an individual or  
10 affecting the structure or function of the body:

11               (1) preventive, diagnostic, therapeutic,  
12                        rehabilitative, maintenance, or palliative care,  
13                        and

14               (2) counseling, assessment, procedures, or other  
15                        services,

16           b. sale or dispensing of a drug, a device, equipment, or  
17 another item to an individual in accordance with a  
18 prescription, and

19           c. funeral, cremation, cemetery, or other mortuary  
20 services;

21       9. "Host entity" means an entity operating in this state which  
22 uses volunteer health practitioners to respond to an emergency;

23       10. "License" means authorization by a state to engage in  
24 health or veterinary services that are unlawful without the

1 authorization and includes authorization under the laws of this  
2 state to an individual to provide health or veterinary services  
3 based upon a national certification issued by a public or private  
4 entity;

5 11. "Person" means an individual, corporation, business trust,  
6 trust, partnership, limited liability company, association, joint  
7 venture, public corporation, government or governmental subdivision,  
8 agency, or instrumentality, or any other legal or commercial entity;

9 12. "Scope of practice" means the extent of the authorization  
10 to provide health or veterinary services granted to a health  
11 practitioner by a license issued to the practitioner in the state in  
12 which the principal part of the practitioner's services are  
13 rendered, including any conditions imposed by the licensing  
14 authority;

15 13. "State" means a state of the United States, the District of  
16 Columbia, Puerto Rico, the United States Virgin Islands, or any  
17 territory or insular possession subject to the jurisdiction of the  
18 United States;

19 14. "Veterinary services" means the provision of treatment,  
20 care, advice or guidance, or other services, or supplies, related to  
21 the health or death of an animal or to animal populations, to the  
22 extent necessary to respond to an emergency, including, but not  
23 limited to:

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- 1           a.    diagnosis, treatment, or prevention of an animal  
2                    disease, injury, or other physical or mental condition  
3                    by the prescription, administration, or dispensing of  
4                    vaccine, medicine, surgery, or therapy,  
5           b.    use of a procedure for reproductive management, and  
6           c.    monitoring and treatment of animal populations for  
7                    diseases that have spread or demonstrate the potential  
8                    to spread to humans; and

9           15.   "Volunteer health practitioner" means a health practitioner  
10   who provides health or veterinary services, whether or not the  
11   practitioner receives compensation for those services and does not  
12   include a practitioner who receives compensation pursuant to a  
13   preexisting employment relationship with a host entity or affiliate  
14   which requires the practitioner to provide health services in this  
15   state, unless the practitioner is not a resident of this state and  
16   is employed by a disaster relief organization providing services in  
17   this state while an emergency declaration is in effect.

18           SECTION 5.       NEW LAW       A new section of law to be codified  
19   in the Oklahoma Statutes as Section 684.27 of Title 63, unless there  
20   is created a duplication in numbering, reads as follows:

21           The Uniform Emergency Volunteer Health Practitioners Act applies  
22   to volunteer health practitioners registered with a registration  
23   system that complies with Section 7 of this act and who provide  
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1 health or veterinary services in this state for a host entity while  
2 an emergency declaration is in effect.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 684.28 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. While an emergency declaration is in effect, the State  
7 Department of Health may limit, restrict, or otherwise regulate:

8 1. The duration of practice by volunteer health practitioners;

9 2. The geographical areas in which volunteer health  
10 practitioners may practice;

11 3. The types of volunteer health practitioners who may  
12 practice; and

13 4. Any other matters necessary to coordinate effectively the  
14 provision of health or veterinary services during the emergency.

15 B. An order issued pursuant to subsection A of this section may  
16 take effect immediately, without prior notice or comment, and is not  
17 a rule within the meaning of the Administrative Procedures Act.

18 C. A host entity that uses volunteer health practitioners to  
19 provide health or veterinary services in this state shall:

20 1. Consult and coordinate its activities with the State  
21 Department of Health to the extent practicable to provide for the  
22 efficient and effective use of volunteer health practitioners; and

23 2. Comply with any laws other than this act relating to the  
24 management of emergency health or veterinary services, including the

1 Oklahoma Emergency Management Act of 2003 and the Catastrophic  
2 Health Emergency Powers Act.

3 SECTION 7. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 684.29 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. To qualify as a volunteer health practitioner registration  
7 system, a system must:

8 1. Accept applications for the registration of volunteer health  
9 practitioners before or during an emergency;

10 2. Include information about the licensure and good standing of  
11 health practitioners which is accessible by authorized persons;

12 3. Be capable of confirming the accuracy of information  
13 concerning whether a health practitioner is licensed and in good  
14 standing before health services or veterinary services are provided  
15 under the Uniform Emergency Volunteer Health Practitioners Act; and

16 4. Meet one of the following conditions:

17 a. be an emergency system for advance registration of  
18 volunteer health practitioners established by a state  
19 and funded through the Health Resources Services  
20 Administration under Section 319I of the Public Health  
21 Services Act, 42 U.S.C., Section 247d-7b,

22 b. be a local unit consisting of trained and equipped  
23 emergency response, public health, and medical  
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1 personnel formed pursuant to Section 2801 of the  
2 Public Health Services Act, 42 U.S.C., Section 300hh,

3 c. be operated by a:

4 (1) disaster relief organization,

5 (2) licensing board,

6 (3) national or regional association of licensing  
7 boards or health practitioners,

8 (4) health facility that provides comprehensive  
9 inpatient and outpatient health-care services,  
10 including a tertiary care and teaching hospital,

11 or

12 (5) governmental entity, or

13 d. be designated by the State Department of Health as a  
14 registration system for purposes of the Uniform  
15 Emergency Volunteer Health Practitioners Act.

16 B. While an emergency declaration is in effect, the State  
17 Department of Health, a person authorized to act on behalf of the  
18 Department, or a host entity may confirm whether volunteer health  
19 practitioners utilized in this state are registered with a  
20 registration system that complies with subsection A of this section.  
21 Confirmation is limited to obtaining identities of the practitioners  
22 from the system and determining whether the system indicates that  
23 the practitioners are licensed and in good standing.

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1 C. Upon request of a person in this state authorized under  
2 subsection B of this section, or a similarly authorized person in  
3 another state, a registration system located in this state shall  
4 notify the person of the identities of volunteer health  
5 practitioners and whether the practitioners are licensed and in good  
6 standing.

7 D. A host entity shall not be required to use the services of a  
8 volunteer health practitioner even if the practitioner is registered  
9 with a registration system that indicates that the practitioner is  
10 licensed and in good standing.

11 SECTION 8. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 684.30 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. While an emergency declaration is in effect, a volunteer  
15 health practitioner, registered with a registration system that  
16 complies with Section 7 of this act and licensed and in good  
17 standing in the state upon which the registration of the  
18 practitioner is based, may practice in this state to the extent  
19 authorized by the Uniform Emergency Volunteer Health Practitioners  
20 Act as if the practitioner were licensed in this state.

21 B. A volunteer health practitioner qualified under subsection A  
22 of this section is not entitled to the protections of the Uniform  
23 Emergency Volunteer Health Practitioners Act if the practitioner is  
24 licensed in more than one state and any license of the practitioner

1 is suspended, revoked, or subject to an agency order limiting or  
2 restricting practice privileges, or has been voluntarily terminated  
3 under threat of sanction.

4 SECTION 9. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 684.31 of Title 63, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. For purposes of this section:

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

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

17 B. The Uniform Emergency Volunteer Health Practitioners Act  
18 does not affect credentialing or privileging standards of a health  
19 facility and does not preclude a health facility from waiving or  
20 modifying those standards while an emergency declaration is in  
21 effect.

22 SECTION 10. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 684.32 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. Subject to subsections B and C of this section, a volunteer  
2 health practitioner shall adhere to the scope of practice for a  
3 similarly licensed practitioner established by the licensing  
4 provisions, practice acts, or other laws of this state.

5       B. Except as otherwise provided in subsection C of this  
6 section, the Uniform Emergency Volunteer Health Practitioners Act  
7 does not authorize a volunteer health practitioner to provide  
8 services that are outside the scope of practice of the practitioner,  
9 even if a similarly licensed practitioner in this state would be  
10 permitted to provide the services.

11       C. The State Department of Health may modify or restrict the  
12 health or veterinary services that volunteer health practitioners  
13 may provide pursuant to the Uniform Emergency Volunteer Health  
14 Practitioners Act. An order under this subsection may take effect  
15 immediately, without prior notice or comment, and is not a rule  
16 within the meaning of the Administrative Procedures Act.

17       D. A host entity may restrict the health or veterinary services  
18 that a volunteer health practitioner may provide pursuant to the  
19 Uniform Emergency Volunteer Health Practitioners Act.

20       E. A volunteer health practitioner does not engage in  
21 unauthorized practice unless the practitioner has reason to know of  
22 any limitation, modification, or restriction under this section or  
23 that a similarly licensed practitioner in this state would not be  
24 permitted to provide the services. A volunteer health practitioner

1 has reason to know of a limitation, modification, or restriction or  
2 that a similarly licensed practitioner in this state would not be  
3 permitted to provide a service if:

4 1. The practitioner knows the limitation, modification, or  
5 restriction exists or that a similarly licensed practitioner in this  
6 state would not be permitted to provide the service; or

7 2. From all the facts and circumstances known to the  
8 practitioner at the relevant time, a reasonable person would  
9 conclude that the limitation, modification, or restriction exists or  
10 that a similarly licensed practitioner in this state would not be  
11 permitted to provide the service.

12 F. In addition to the authority granted by law of this state  
13 other than the Uniform Emergency Volunteer Health Practitioners Act  
14 to regulate the conduct of health practitioners, a licensing board  
15 or other disciplinary authority in this state:

16 1. May impose administrative sanctions upon a health  
17 practitioner licensed in this state for conduct outside of this  
18 state in response to an out-of-state emergency;

19 2. May impose administrative sanctions upon a practitioner not  
20 licensed in this state for conduct in this state in response to an  
21 in-state emergency; and

22 3. Shall report any administrative sanctions imposed upon a  
23 practitioner licensed in another state to the appropriate licensing  
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1 board or other disciplinary authority in any other state in which  
2 the practitioner is known to be licensed.

3 G. In determining whether to impose administrative sanctions  
4 under subsection F of this section, a licensing board or other  
5 disciplinary authority shall consider the circumstances in which the  
6 conduct took place, including any exigent circumstances, and the  
7 scope of practice, education, training, experience, and specialized  
8 skill of the practitioner.

9 SECTION 11. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 684.33 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The Uniform Emergency Volunteer Health Practitioners Act  
13 does not limit rights, privileges, or immunities provided to  
14 volunteer health practitioners by laws other than the Uniform  
15 Emergency Volunteer Health Practitioners Act. Except as otherwise  
16 provided in subsection B of this section, the Uniform Emergency  
17 Volunteer Health Practitioners Act does not affect requirements for  
18 the use of health practitioners pursuant to the Emergency Management  
19 Assistance Compact.

20 B. The State Department of Health, pursuant to the Emergency  
21 Management Assistance Compact, may incorporate into the emergency  
22 forces of this state volunteer health practitioners who are not  
23 officers or employees of this state, a political subdivision of this  
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1 state, or a municipality or other local government within this  
2 state.

3 SECTION 12. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 684.34 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 The State Board of Health may promulgate rules to implement the  
7 Uniform Emergency Volunteer Health Practitioners Act. In doing so,  
8 the State Department of Health shall consult with and consider the  
9 recommendations of the entity established to coordinate the  
10 implementation of the Emergency Management Assistance Compact and  
11 shall also consult with and consider rules promulgated by similarly  
12 empowered agencies in other states to promote uniformity of  
13 application of the Uniform Emergency Volunteer Health Practitioners  
14 Act and make the emergency response systems in the various states  
15 reasonably compatible.

16 SECTION 13. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 684.35 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 In applying and construing the Uniform Emergency Volunteer  
20 Health Practitioners Act, consideration must be given to the need to  
21 promote uniformity of the law with respect to its subject matter  
22 among states that enact it.

23 SECTION 14. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 DIRECT TO CALENDAR.

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