

# HOUSE BILL 666

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By: **Delegates Reznik and Hammen**

Introduced and read first time: February 1, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Uniform Emergency Volunteer Health Practitioners Act**

3 FOR the purpose of providing for the applicability of this Act to certain volunteer  
4 health practitioners; authorizing certain agencies and offices in the State to  
5 have certain authority while an emergency declaration is in effect; requiring  
6 certain entities to consult with certain agencies and offices and to comply with  
7 certain laws; providing for the requirements to qualify as a volunteer health  
8 practitioner registration system; authorizing certain agencies and offices to  
9 confirm that volunteer health practitioners are registered with a certain  
10 registration system when an emergency declaration is in effect; authorizing  
11 certain volunteer health practitioners who are licensed in other states to  
12 practice in this State under certain circumstances; providing that this Act does  
13 not affect the credentialing or privileging standards of a health facility;  
14 requiring a volunteer health practitioner to adhere to a certain scope of practice;  
15 authorizing certain State licensing boards to modify the services that may be  
16 provided by a volunteer health practitioner; authorizing a host entity to restrict  
17 the services that may be provided by a volunteer health practitioner; providing  
18 for the circumstances under which a volunteer health practitioner engages in  
19 unauthorized practice; authorizing certain licensing boards or disciplinary  
20 authorities to impose certain sanctions; requiring certain licensing boards or  
21 disciplinary boards to consider certain factors when determining whether to  
22 impose sanctions; providing that this Act does not limit certain rights provided  
23 to volunteer health practitioners and does not affect certain requirements under  
24 the Emergency Management Assistance Compact; authorizing certain agencies  
25 or offices to incorporate certain volunteer health practitioners into the  
26 emergency forces of the State; authorizing the Maryland Emergency  
27 Management Agency, in consultation with the Office of Preparedness and  
28 Response, to adopt certain regulations; providing for the liability of volunteer  
29 health practitioners and certain other individuals; providing that a volunteer  
30 health practitioner is deemed to be an employee of this State for the purpose of  
31 receiving certain workers' compensation benefits under certain circumstances;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requiring the Maryland Workers' Compensation Commission to adopt certain  
2 regulations, enter into agreements, or take other measures to facilitate the  
3 receipt of certain benefits by volunteer health practitioners; providing for the  
4 application and construction of this Act; defining certain terms; and generally  
5 relating to the Uniform Emergency Volunteer Health Practitioners Act.

6 BY adding to

7 Article – Health Occupations

8 Section 1–701 through 1–712 to be under the new subtitle “Subtitle 7. Uniform  
9 Emergency Volunteer Health Practitioners Act”

10 Annotated Code of Maryland

11 (2005 Replacement Volume and 2007 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Health Occupations**

15 **SUBTITLE 7. UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS**  
16 **ACT.**

17 **1–701.**

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (B) “DISASTER RELIEF ORGANIZATION” MEANS AN ENTITY THAT  
21 PROVIDES EMERGENCY OR DISASTER RELIEF SERVICES INCLUDING HEALTH OR  
22 VETERINARY SERVICES PROVIDED BY VOLUNTEER HEALTH PRACTITIONERS  
23 AND THAT:

24 (1) IS DESIGNATED OR RECOGNIZED AS A PROVIDER OF THOSE  
25 SERVICES UNDER A DISASTER RESPONSE AND RECOVERY PLAN ADOPTED BY AN  
26 AGENCY OF THE FEDERAL GOVERNMENT OR THE MARYLAND EMERGENCY  
27 MANAGEMENT AGENCY; OR

28 (2) REGULARLY PLANS AND CONDUCTS ITS ACTIVITIES IN  
29 COORDINATION WITH AN AGENCY OF THE FEDERAL GOVERNMENT OR THE  
30 MARYLAND EMERGENCY MANAGEMENT AGENCY.

31 (C) “EMERGENCY” HAS THE MEANING STATED IN § 14–101 OF THE  
32 PUBLIC SAFETY ARTICLE.

33 (D) “EMERGENCY DECLARATION” MEANS A DECLARATION OF  
34 EMERGENCY ISSUED BY AN INDIVIDUAL AUTHORIZED TO DO SO UNDER THE

1 LAWS OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE, OR A  
2 MUNICIPALITY OR OTHER LOCAL GOVERNMENT WITHIN THIS STATE.

3 (E) "EMERGENCY MANAGEMENT ASSISTANCE COMPACT" MEANS THE  
4 INTERSTATE COMPACT APPROVED BY THE UNITED STATES CONGRESS BY  
5 PUBLIC LAW 104-321, 110 STAT. 3877.

6 (F) "HEALTH FACILITY" MEANS AN ENTITY LICENSED UNDER THE LAWS  
7 OF THIS STATE OR ANOTHER STATE TO PROVIDE HEALTH OR VETERINARY  
8 SERVICES.

9 (G) "HEALTH PRACTITIONER" MEANS AN INDIVIDUAL LICENSED UNDER  
10 THE LAWS OF THIS STATE OR ANOTHER STATE TO PROVIDE HEALTH OR  
11 VETERINARY SERVICES.

12 (H) "HEALTH SERVICES" MEANS THE PROVISION OF TREATMENT, CARE,  
13 ADVICE, GUIDANCE, OTHER SERVICES, OR SUPPLIES, RELATED TO THE HEALTH  
14 OR DEATH OF INDIVIDUALS OR HUMAN POPULATIONS, TO THE EXTENT  
15 NECESSARY TO RESPOND TO AN EMERGENCY, INCLUDING:

16 (1) THE FOLLOWING, CONCERNING THE PHYSICAL OR MENTAL  
17 CONDITION OR FUNCTIONAL STATUS OF AN INDIVIDUAL OR AFFECTING THE  
18 STRUCTURE OR FUNCTION OF THE BODY:

19 (I) PREVENTIVE, DIAGNOSTIC, THERAPEUTIC,  
20 REHABILITATIVE, MAINTENANCE, OR PALLIATIVE CARE; AND

21 (II) COUNSELING, ASSESSMENT, PROCEDURES, OR OTHER  
22 SERVICES;

23 (2) SALE OR DISPENSING OF A DRUG, A DEVICE, EQUIPMENT, OR  
24 ANOTHER ITEM TO AN INDIVIDUAL IN ACCORDANCE WITH A PRESCRIPTION; AND

25 (3) FUNERAL, CREMATION, CEMETERY, OR OTHER MORTUARY  
26 SERVICES.

27 (I) "HOST ENTITY" MEANS AN ENTITY OPERATING IN THE STATE THAT  
28 USES VOLUNTEER HEALTH PRACTITIONERS TO RESPOND TO AN EMERGENCY.

29 (J) (1) "LICENSE" MEANS AUTHORIZATION BY A STATE TO ENGAGE  
30 IN HEALTH OR VETERINARY SERVICES THAT ARE UNLAWFUL WITHOUT THE  
31 AUTHORIZATION.

32 (2) "LICENSE" INCLUDES AUTHORIZATION UNDER THE LAWS OF  
33 THIS STATE TO AN INDIVIDUAL TO PROVIDE HEALTH OR VETERINARY SERVICES

1 BASED ON A NATIONAL CERTIFICATION ISSUED BY A PUBLIC OR PRIVATE  
2 ENTITY.

3 (K) "SCOPE OF PRACTICE" MEANS THE EXTENT OF THE  
4 AUTHORIZATION TO PROVIDE HEALTH OR VETERINARY SERVICES GRANTED TO  
5 A HEALTH PRACTITIONER BY A LICENSE ISSUED TO THE PRACTITIONER IN THE  
6 STATE IN WHICH THE PRINCIPAL PART OF THE PRACTITIONER'S SERVICES ARE  
7 RENDERED, INCLUDING ANY CONDITIONS IMPOSED BY THE LICENSING  
8 AUTHORITY.

9 (L) "VETERINARY SERVICES" MEANS THE PROVISION OF TREATMENT,  
10 CARE, ADVICE, GUIDANCE, OTHER SERVICES, OR SUPPLIES, RELATED TO THE  
11 HEALTH OR DEATH OF AN ANIMAL OR TO ANIMAL POPULATIONS, TO THE  
12 EXTENT NECESSARY TO RESPOND TO AN EMERGENCY, INCLUDING:

13 (1) DIAGNOSIS, TREATMENT, OR PREVENTION OF AN ANIMAL  
14 DISEASE, INJURY, OR OTHER PHYSICAL OR MENTAL CONDITION BY THE  
15 PRESCRIPTION, ADMINISTRATION, OR DISPENSING OF VACCINE, MEDICINE,  
16 SURGERY, OR THERAPY;

17 (2) USE OF A PROCEDURE FOR REPRODUCTIVE MANAGEMENT;  
18 AND

19 (3) MONITORING AND TREATMENT OF ANIMAL POPULATIONS FOR  
20 DISEASES THAT HAVE SPREAD OR DEMONSTRATE THE POTENTIAL TO SPREAD  
21 TO HUMANS.

22 (M) (1) "VOLUNTEER HEALTH PRACTITIONER" MEANS A HEALTH  
23 PRACTITIONER WHO PROVIDES HEALTH OR VETERINARY SERVICES, WHETHER  
24 OR NOT THE PRACTITIONER RECEIVES COMPENSATION FOR THOSE SERVICES.

25 (2) "VOLUNTEER HEALTH PRACTITIONER" DOES NOT INCLUDE A  
26 PRACTITIONER WHO RECEIVES COMPENSATION UNDER A PREEXISTING  
27 EMPLOYMENT RELATIONSHIP WITH A HOST ENTITY OR AFFILIATE THAT  
28 REQUIRES THE PRACTITIONER TO PROVIDE HEALTH SERVICES IN THIS STATE,  
29 UNLESS THE PRACTITIONER IS NOT A RESIDENT OF THIS STATE AND IS  
30 EMPLOYED BY A DISASTER RELIEF ORGANIZATION PROVIDING SERVICES IN  
31 THIS STATE WHILE AN EMERGENCY DECLARATION IS IN EFFECT.

32 1-702.

33 THIS SUBTITLE APPLIES TO VOLUNTEER HEALTH PRACTITIONERS WHO:

1           (1) ARE REGISTERED WITH A REGISTRATION SYSTEM THAT  
2 COMPLIES WITH § 1-704 OF THIS SUBTITLE; AND

3           (2) PROVIDE HEALTH OR VETERINARY SERVICES IN THE STATE  
4 FOR A HOST ENTITY WHILE AN EMERGENCY DECLARATION IS IN EFFECT.

5 **1-703.**

6           (A) WHILE AN EMERGENCY DECLARATION IS IN EFFECT, THE  
7 MARYLAND EMERGENCY MANAGEMENT AGENCY OR THE OFFICE OF  
8 PREPAREDNESS AND RESPONSE, MAY LIMIT, RESTRICT, OR OTHERWISE  
9 REGULATE:

10           (1) THE DURATION OF PRACTICE BY A VOLUNTEER HEALTH  
11 PRACTITIONER;

12           (2) THE GEOGRAPHICAL AREAS IN WHICH A VOLUNTEER HEALTH  
13 PRACTITIONER MAY PRACTICE;

14           (3) THE TYPES OF VOLUNTEER HEALTH PRACTITIONERS WHO  
15 MAY PRACTICE; AND

16           (4) ANY OTHER MATTER NECESSARY TO COORDINATE  
17 EFFECTIVELY THE PROVISION OF HEALTH OR VETERINARY SERVICES DURING  
18 THE EMERGENCY.

19           (B) AN ORDER ISSUED UNDER SUBSECTION (A) OF THIS SECTION MAY  
20 TAKE EFFECT IMMEDIATELY, WITHOUT PRIOR NOTICE OR COMMENT, AND IS  
21 NOT A REGULATION UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.

22           (C) A HOST ENTITY THAT USES VOLUNTEER HEALTH PRACTITIONERS  
23 TO PROVIDE HEALTH OR VETERINARY SERVICES IN THE STATE SHALL:

24           (1) CONSULT AND COORDINATE ITS ACTIVITIES WITH THE  
25 MARYLAND EMERGENCY MANAGEMENT AGENCY OR THE OFFICE OF  
26 PREPAREDNESS AND RESPONSE TO THE EXTENT PRACTICABLE TO PROVIDE  
27 FOR THE EFFICIENT AND EFFECTIVE USE OF VOLUNTEER HEALTH  
28 PRACTITIONERS; AND

29           (2) COMPLY WITH ANY OTHER LAWS RELATING TO THE  
30 MANAGEMENT OF EMERGENCY HEALTH OR VETERINARY SERVICES.

31 **1-704.**



1                   (IV) BE DESIGNATED BY THE MARYLAND EMERGENCY  
2 MANAGEMENT AGENCY OR THE OFFICE OF PREPAREDNESS AND RESPONSE AS  
3 A REGISTRATION SYSTEM FOR PURPOSES OF THIS SUBTITLE.

4           (B) (1) WHILE AN EMERGENCY DECLARATION IS IN EFFECT, THE  
5 MARYLAND EMERGENCY MANAGEMENT AGENCY OR THE OFFICE OF  
6 PREPAREDNESS AND RESPONSE, A PERSON AUTHORIZED TO ACT ON BEHALF OF  
7 THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR THE OFFICE OF  
8 PREPAREDNESS AND RESPONSE, OR A HOST ENTITY, MAY CONFIRM WHETHER  
9 VOLUNTEER HEALTH PRACTITIONERS USED IN THIS STATE ARE REGISTERED  
10 WITH A REGISTRATION SYSTEM THAT COMPLIES WITH SUBSECTION (A) OF THIS  
11 SECTION.

12                   (2) THE CONFIRMATION OBTAINED UNDER SUBSECTION (A) OF  
13 THIS SECTION IS LIMITED TO OBTAINING THE IDENTITIES OF PRACTITIONERS  
14 FROM THE SYSTEM AND DETERMINING WHETHER THE SYSTEM INDICATES THAT  
15 THE PRACTITIONERS ARE LICENSED AND IN GOOD STANDING.

16           (C) ON REQUEST OF A PERSON IN THIS STATE AUTHORIZED UNDER  
17 SUBSECTION (B) OF THIS SECTION, OR A SIMILARLY AUTHORIZED PERSON IN  
18 ANOTHER STATE, A REGISTRATION SYSTEM LOCATED IN THIS STATE SHALL  
19 NOTIFY THE PERSON OF THE IDENTITIES OF VOLUNTEER HEALTH  
20 PRACTITIONERS AND WHETHER THE PRACTITIONERS ARE LICENSED AND IN  
21 GOOD STANDING.

22           (D) A HOST ENTITY IS NOT REQUIRED TO USE THE SERVICES OF A  
23 VOLUNTEER HEALTH PRACTITIONER EVEN IF THE PRACTITIONER IS  
24 REGISTERED WITH A REGISTRATION SYSTEM THAT INDICATES THAT THE  
25 PRACTITIONER IS LICENSED AND IN GOOD STANDING.

26 **1-705.**

27           (A) WHILE AN EMERGENCY DECLARATION IS IN EFFECT, A VOLUNTEER  
28 HEALTH PRACTITIONER, REGISTERED WITH A REGISTRATION SYSTEM THAT  
29 COMPLIES WITH § 1-704 OF THIS SUBTITLE AND LICENSED AND IN GOOD  
30 STANDING IN THE STATE ON WHICH THE PRACTITIONER'S REGISTRATION IS  
31 BASED, MAY PRACTICE IN THIS STATE TO THE EXTENT AUTHORIZED BY THIS  
32 SUBTITLE AS IF THE PRACTITIONER WERE LICENSED IN THIS STATE.

33           (B) A VOLUNTEER HEALTH PRACTITIONER QUALIFIED UNDER  
34 SUBSECTION (A) OF THIS SECTION IS NOT ENTITLED TO THE PROTECTIONS OF  
35 THIS SUBTITLE IF THE PRACTITIONER IS LICENSED IN MORE THAN ONE STATE  
36 AND ANY LICENSE OF THE PRACTITIONER IS SUSPENDED, REVOKED, OR  
37 SUBJECT TO AN AGENCY ORDER LIMITING OR RESTRICTING PRACTICE

1 PRIVILEGES, OR HAS BEEN VOLUNTARILY TERMINATED UNDER THREAT OF  
2 SANCTION.

3 **1-706.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
5 MEANINGS INDICATED.

6 (2) "CREDENTIALING" MEANS OBTAINING, VERIFYING, AND  
7 ASSESSING THE QUALIFICATIONS OF A HEALTH PRACTITIONER TO PROVIDE  
8 TREATMENT, CARE, OR SERVICES IN OR FOR A HEALTH FACILITY.

9 (3) "PRIVILEGING" MEANS THE AUTHORIZING BY AN  
10 APPROPRIATE AUTHORITY, INCLUDING A GOVERNING BODY, OF A HEALTH  
11 PRACTITIONER TO PROVIDE SPECIFIC TREATMENT, CARE, OR SERVICES AT A  
12 HEALTH FACILITY SUBJECT TO LIMITS BASED ON FACTORS INCLUDING LICENSE,  
13 EDUCATION, TRAINING, EXPERIENCE, COMPETENCE, HEALTH STATUS, AND  
14 SPECIALIZED SKILL.

15 (B) THIS SUBTITLE DOES NOT AFFECT CREDENTIALING OR  
16 PRIVILEGING STANDARDS OF A HEALTH FACILITY AND DOES NOT PRECLUDE A  
17 HEALTH FACILITY FROM WAIVING OR MODIFYING THOSE STANDARDS WHILE AN  
18 EMERGENCY DECLARATION IS IN EFFECT.

19 **1-707.**

20 (A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A  
21 VOLUNTEER HEALTH PRACTITIONER SHALL ADHERE TO THE SCOPE OF  
22 PRACTICE FOR A SIMILARLY LICENSED PRACTITIONER ESTABLISHED BY THE  
23 LICENSING PROVISIONS, PRACTICE ACTS, OR OTHER LAWS OF THIS STATE.

24 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS  
25 SECTION, THIS SUBTITLE 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 (C) (1) THE APPROPRIATE STATE LICENSING BOARD MAY MODIFY OR  
30 RESTRICT THE HEALTH OR VETERINARY SERVICES THAT VOLUNTEER HEALTH  
31 PRACTITIONERS MAY PROVIDE UNDER THIS SUBTITLE.

32 (2) AN ORDER UNDER THIS SUBSECTION MAY TAKE EFFECT  
33 IMMEDIATELY, WITHOUT PRIOR NOTICE OR COMMENT, AND IS NOT A  
34 REGULATION UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.



1           (D) A HOST ENTITY MAY RESTRICT THE HEALTH OR VETERINARY  
2 SERVICES THAT A VOLUNTEER HEALTH PRACTITIONER MAY PROVIDE UNDER  
3 THIS SUBTITLE.

4           (E) (1) A VOLUNTEER HEALTH PRACTITIONER DOES NOT ENGAGE IN  
5 UNAUTHORIZED PRACTICE UNLESS THE PRACTITIONER HAS REASON TO KNOW:

6                   (I) OF ANY LIMITATION, MODIFICATION, OR RESTRICTION  
7 UNDER THIS SUBTITLE; OR

8                   (II) THAT A SIMILARLY LICENSED PRACTITIONER IN THIS  
9 STATE WOULD NOT BE PERMITTED TO PROVIDE THE SERVICES.

10           (2) A VOLUNTEER HEALTH PRACTITIONER HAS REASON TO KNOW  
11 OF A LIMITATION, MODIFICATION, OR RESTRICTION OR THAT A SIMILARLY  
12 LICENSED PRACTITIONER IN THIS STATE WOULD NOT BE PERMITTED TO  
13 PROVIDE A SERVICE IF:

14                   (I) THE PRACTITIONER KNOWS THE LIMITATION,  
15 MODIFICATION, OR RESTRICTION EXISTS OR THAT A SIMILARLY LICENSED  
16 PRACTITIONER IN THIS STATE WOULD NOT BE PERMITTED TO PROVIDE THE  
17 SERVICE; OR

18                   (II) FROM ALL OF THE FACTS AND CIRCUMSTANCES KNOWN  
19 TO THE PRACTITIONER AT THE RELEVANT TIME, A REASONABLE PERSON  
20 WOULD CONCLUDE THAT THE LIMITATION, MODIFICATION, OR RESTRICTION  
21 EXISTS OR THAT A SIMILARLY LICENSED PRACTITIONER IN THIS STATE WOULD  
22 NOT BE PERMITTED TO PROVIDE THE SERVICE.

23           (F) IN ADDITION TO THE AUTHORITY GRANTED BY OTHER LAWS OF THE  
24 STATE THAT REGULATE THE CONDUCT OF A HEALTH PRACTITIONER, A  
25 LICENSING BOARD OR OTHER DISCIPLINARY AUTHORITY IN THIS STATE:

26                   (1) MAY IMPOSE ADMINISTRATIVE SANCTIONS ON A HEALTH  
27 PRACTITIONER LICENSED IN THE STATE FOR CONDUCT OUTSIDE OF THE STATE  
28 IN RESPONSE TO AN OUT-OF-STATE EMERGENCY;

29                   (2) MAY IMPOSE ADMINISTRATIVE SANCTIONS ON A  
30 PRACTITIONER NOT LICENSED IN THE STATE FOR CONDUCT IN THE STATE IN  
31 RESPONSE TO AN IN-STATE EMERGENCY; AND

32                   (3) SHALL REPORT ANY ADMINISTRATIVE SANCTIONS IMPOSED  
33 ON A PRACTITIONER LICENSED IN ANOTHER STATE TO THE APPROPRIATE

1 LICENSING BOARD OR OTHER DISCIPLINARY AUTHORITY IN ANY OTHER STATE  
2 IN WHICH THE PRACTITIONER IS KNOWN TO BE LICENSED.

3 (G) IN DETERMINING WHETHER TO IMPOSE ADMINISTRATIVE  
4 SANCTIONS UNDER SUBSECTION (F) OF THIS SECTION, A LICENSING BOARD OR  
5 OTHER DISCIPLINARY AUTHORITY SHALL CONSIDER THE CIRCUMSTANCES IN  
6 WHICH THE CONDUCT TOOK PLACE, INCLUDING ANY EXIGENT CIRCUMSTANCES,  
7 AND THE PRACTITIONER'S SCOPE OF PRACTICE, EDUCATION, TRAINING,  
8 EXPERIENCE, AND SPECIALIZED SKILL.

9 **1-708.**

10 (A) (1) THIS SUBTITLE DOES NOT LIMIT RIGHTS, PRIVILEGES, OR  
11 IMMUNITIES PROVIDED TO VOLUNTEER HEALTH PRACTITIONERS BY ANY OTHER  
12 LAW.

13 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF  
14 THIS SECTION, THIS SUBTITLE DOES NOT AFFECT REQUIREMENTS FOR THE USE  
15 OF HEALTH PRACTITIONERS UNDER THE EMERGENCY MANAGEMENT  
16 ASSISTANCE COMPACT.

17 (B) THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR THE  
18 OFFICE OF PREPAREDNESS AND RESPONSE, UNDER THE EMERGENCY  
19 MANAGEMENT ASSISTANCE COMPACT, MAY INCORPORATE INTO THE  
20 EMERGENCY FORCES OF THE STATE VOLUNTEER HEALTH PRACTITIONERS WHO  
21 ARE NOT OFFICERS OR EMPLOYEES OF THE STATE, A POLITICAL SUBDIVISION  
22 OF THE STATE, OR A MUNICIPALITY OR OTHER LOCAL GOVERNMENT WITHIN  
23 THE STATE.

24 **1-709.**

25 (A) THE MARYLAND EMERGENCY MANAGEMENT AGENCY, IN  
26 CONSULTATION WITH THE OFFICE OF PREPAREDNESS AND RESPONSE, MAY  
27 ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

28 (B) WHEN ADOPTING REGULATIONS UNDER SUBSECTION (A) OF THIS  
29 SECTION, THE MARYLAND EMERGENCY MANAGEMENT AGENCY SHALL  
30 CONSULT WITH AND CONSIDER:

31 (1) THE RECOMMENDATIONS OF THE ENTITY ESTABLISHED TO  
32 COORDINATE THE IMPLEMENTATION OF THE EMERGENCY MANAGEMENT  
33 ASSISTANCE COMPACT; AND

1           **(2) RULES ADOPTED BY SIMILARLY EMPOWERED AGENCIES IN**  
2 **OTHER STATES TO PROMOTE UNIFORMITY OF APPLICATION OF THIS SUBTITLE**  
3 **AND MAKE THE EMERGENCY RESPONSE SYSTEMS IN THE VARIOUS STATES**  
4 **REASONABLY COMPATIBLE.**

5 **1-710.**

6           **(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A VOLUNTEER**  
7 **HEALTH PRACTITIONER WHO PROVIDES HEALTH OR VETERINARY SERVICES**  
8 **UNDER THIS SUBTITLE IS NOT LIABLE FOR DAMAGES FOR AN ACT OR OMISSION**  
9 **OF THE PRACTITIONER IN PROVIDING THOSE SERVICES.**

10           **(B) A PERSON IS NOT VICARIOUSLY LIABLE FOR DAMAGES FOR AN ACT**  
11 **OR OMISSION OF A VOLUNTEER HEALTH PRACTITIONER IF THE PRACTITIONER**  
12 **IS NOT LIABLE FOR THE DAMAGES UNDER SUBSECTION (A) OF THIS SECTION.**

13           **(C) THIS SECTION DOES NOT LIMIT THE LIABILITY OF A VOLUNTEER**  
14 **HEALTH PRACTITIONER FOR:**

15                   **(1) WILLFUL MISCONDUCT OR WANTON, GROSSLY NEGLIGENT,**  
16 **RECKLESS, OR CRIMINAL CONDUCT;**

17                   **(2) AN INTENTIONAL TORT;**

18                   **(3) BREACH OF CONTRACT;**

19                   **(4) A CLAIM ASSERTED BY A HOST ENTITY OR BY AN ENTITY**  
20 **LOCATED IN THIS STATE OR ANOTHER STATE THAT EMPLOYS OR USES THE**  
21 **SERVICES OF THE PRACTITIONER; OR**

22                   **(5) AN ACT OR OMISSION RELATING TO THE OPERATION OF A**  
23 **MOTOR VEHICLE, VESSEL, AIRCRAFT, OR OTHER VEHICLE.**

24           **(D) A PERSON THAT, IN ACCORDANCE WITH THIS SUBTITLE, OPERATES,**  
25 **USES, OR RELIES ON INFORMATION PROVIDED BY A VOLUNTEER HEALTH**  
26 **PRACTITIONER REGISTRATION SYSTEM IS NOT LIABLE FOR DAMAGES FOR AN**  
27 **ACT OR OMISSION RELATING TO THAT OPERATION, USE, OR RELIANCE UNLESS**  
28 **THE ACT OR OMISSION IS AN INTENTIONAL TORT OR IS WILLFUL MISCONDUCT**  
29 **OR WANTON, GROSSLY NEGLIGENT, RECKLESS, OR CRIMINAL CONDUCT.**

30 **1-711.**

31           **(A) IN THIS SECTION, "INJURY" MEANS A PHYSICAL OR MENTAL INJURY**  
32 **OR DISEASE FOR WHICH AN EMPLOYEE OF THE STATE WHO IS INJURED OR**

1 CONTRACTS THE DISEASE IN THE COURSE OF THE EMPLOYEE'S EMPLOYMENT  
2 WOULD BE ENTITLED TO BENEFITS UNDER THE STATE'S WORKERS'  
3 COMPENSATION LAW.

4 (B) A VOLUNTEER HEALTH PRACTITIONER WHO DIES OR IS INJURED AS  
5 THE RESULT OF PROVIDING HEALTH OR VETERINARY SERVICES IN  
6 ACCORDANCE WITH THIS SUBTITLE IS DEEMED TO BE AN EMPLOYEE OF THIS  
7 STATE FOR THE PURPOSE OF RECEIVING BENEFITS FOR THE DEATH OR INJURY  
8 UNDER THE STATE'S WORKERS' COMPENSATION LAWS IF:

9 (1) THE PRACTITIONER IS NOT OTHERWISE ELIGIBLE FOR  
10 BENEFITS FOR THE INJURY OR DEATH UNDER THE LAWS OF THIS STATE OR  
11 ANOTHER STATE; AND

12 (2) THE PRACTITIONER, OR IN THE CASE OF DEATH THE  
13 PRACTITIONER'S PERSONAL REPRESENTATIVE, ELECTS COVERAGE UNDER THE  
14 WORKERS' COMPENSATION LAW OF THIS STATE BY MAKING A CLAIM UNDER  
15 THAT LAW.

16 (C) (1) THE MARYLAND WORKERS' COMPENSATION COMMISSION  
17 SHALL ADOPT RULES, ENTER INTO AGREEMENTS WITH OTHER STATES, OR TAKE  
18 OTHER MEASURES TO FACILITATE THE RECEIPT OF BENEFITS FOR INJURY OR  
19 DEATH UNDER THE WORKERS' COMPENSATION LAW OF THIS STATE BY  
20 VOLUNTEER HEALTH PRACTITIONERS WHO RESIDE IN OTHER STATES, AND MAY  
21 WAIVE OR MODIFY REQUIREMENTS FOR FILING, PROCESSING, AND PAYING  
22 CLAIMS THAT UNREASONABLY BURDEN THE PRACTITIONERS.

23 (2) TO PROMOTE UNIFORMITY OF APPLICATION OF THIS  
24 SUBTITLE WITH OTHER STATES THAT ENACT SIMILAR LEGISLATION, THE  
25 MARYLAND WORKERS' COMPENSATION COMMISSION SHALL CONSULT WITH  
26 AND CONSIDER THE PRACTICES FOR FILING, PROCESSING, AND PAYING CLAIMS  
27 BY AGENCIES WITH SIMILAR AUTHORITY IN OTHER STATES.

28 **1-712.**

29 IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL  
30 BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
31 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2008.