



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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UNIFORM LAW FOUNDATION

HOWARD J. SWIBEL
Chair, ULF Trustees
Chicago, IL

March 25, 2020

To: ULC Legislative Liaisons

From: Carl Lisman, ULC President

Re: The Uniform Emergency Volunteer Health Practitioners Act and the COVID-19 Crisis

We understand that many state legislatures have already adjourned for the year or are limiting the business that may be taken up at this time due to the current public health crisis. To the extent that your state's legislature is still meeting, please consider whether it would be possible to seek introduction of the Uniform Emergency Volunteer Health Practitioners Act (UEVHPA) if your state has not already enacted it. If introduction is not possible during the current session, please consider it for your plan for next year, as being prepared will help with the next crisis – whether that crisis is a natural disaster, such as a hurricane, or another pandemic.

UEVHPA makes it easier for out-of-state volunteer health professionals to assist in emergencies. The act establishes a system whereby a licensed healthcare practitioner may register to provide volunteer services in another state or territory before or during an emergency. It further authorizes healthcare facilities and disaster relief organizations in affected states or territories to use registered professionals and to rely on the registration systems to confirm that these professionals are appropriately licensed. While an emergency declaration is in effect, these volunteers can provide services for a host entity in another state in which an emergency declaration is in effect, to the same extent as if they were licensed in the state subject to the disaster declaration.

UEVHPA was drafted in 2005 in response to the inability of many volunteer medical professionals to aid victims of Hurricanes Katrina and Rita because they were not licensed to practice in the affected states. The hurricanes that swept through the Gulf region that year brought to light significant shortcomings in the ability of our nation's disaster relief capacity. Many qualified physicians, nurses, and other medical professionals from other states faced confusing administrative hurdles in obtaining permission to practice in the affected areas that delayed and impeded the timely delivery of essential health care services. As we now face the prospect of local health care providers being overwhelmed and needing to seek assistance from other jurisdictions, the UEVHPA may soon be quite relevant again.

Since the promulgation of UEVHPA, there has been an increased use of telemedicine. Though UEVHPA does not explicitly address the practice of telemedicine, it was drafted in such a way that states may include telemedicine among the health services covered. In addition to authorizing out-of-state health practitioners to physically provide services in a state during a declared emergency, the UEVHPA would also allow the provision of telehealth services to the extent that intrastate telehealth services are authorized by the law of the host state.

UEVHPA has been enacted in 19 jurisdictions so far¹. At least one of these jurisdictions, Washington state, recently activated UEVHPA in its attempt to get more help to people who need it. See link below for more information on that:

<https://twitter.com/WAMedCommission/status/1238198963108335616>

UEVHPA has been endorsed by the American Bar Association, the American Red Cross, the American College of Emergency Physicians, the National Association of Emergency Medical Technicians, the National Association of State Emergency Medical Service Officials, the American Nurses Association, the Trust for American's Health, and many other groups. In particular, the American College of Surgeons designated this act a priority and devoted independent resources towards enactment. Given its relevancy, other groups may willingly provide similar support in coming years.

We are standing by to answer your questions about the UEVHPA. Please review the information posted on the ULC website here: <https://www.uniformlaws.org/committees/community-home?CommunityKey=565933ce-965f-4d3c-9c90-b00246f30f2d>

You can contact ULC Legislative Counsel Lindsay Beaver (lbeaver@uniformlaws.org), ULC Legislative Program Director Katie Robinson (krobinson@uniformlaws.org), and UEVHPA Drafting Committee Chair Ray Pepe (Raymond.pepe@klgates.com) if you have any questions or need any additional information.

Thank you.

¹: Arkansas, Colorado, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Nevada, New Mexico, North Dakota, Oklahoma, Tennessee, Texas, US Virgin Islands, Utah, Washington, and West Virginia.