

ASPR TRACIE Technical Assistance Request

Request Receipt Date (by ASPR TRACIE): 22 October 2019

Response Date: 30 October 2019

Type of TA Request: Standard

Request:

The requestor asked for state laws for Physician Assistants (PAs) practicing in a disaster, specifically reciprocity and license transferability to work in another state to aid in a disaster/emergency.

Response:

ASPR TRACIE reviewed existing resources, including those in the [Healthcare-Related Disaster Legal/ Regulatory/ Federal Policy](#) and [Volunteer Management](#) Topic Collections.

We would like to specifically highlight the [Emergency Law Inventory](#) from the University of Pittsburgh. This webpage, current as of 2017, describes laws and compacts related to volunteer liability, license reciprocity, scope of practice, and workers' benefits. Information is searchable by profession, state, and status of emergency declaration. Follow these steps for searching per state:

- On home page, click "Get Started" in the red box.
- On the next page, you can choose the profession. For PAs, you can select "Other Medical Professional".
- On the next page, you can select the state you are volunteering in.
- After selecting the state, the following page will ask if there has been a formal emergency declaration (and notes on who can declare different types of emergency declarations).
- The last page will show you the state statutes/titles applicable for the profession and type of declared emergency you previously selected. Please note that many states do not have statutes specific for PAs, but rather, they may fall under a broader medical professional's statute. Below is an example of search results for "Other Health Professional" in "Maryland" with "Unsure" emergency declaration:

License Reciprocity			
	Title	Profession	Summary
>	Retired License: Dental Hygienist	Other Medical...	A retired dental hygienist can apply to have a volunteer license to...
>	Temporary Volunteer License: Dental Hygienist	Other Medical...	An out-of-state licensed dental hygienist can apply for a temporary...
✓	Scope of Practice: Physician Assistant Supervision during an Emergency	Other Medical Professional,	When an emergency declaration is in effect, a licensed physician assistant in this state or another state is allowed to work under the supervision of a Maryland licensed physician. The physician assistant must notify the Board of their location and the supervising physician.,
Md. HEALTH OCCUPATIONS Code Ann 15-			
317			
Click to Learn More			

I. Additional Resources: Specific for PAs

American Academy of PAs. (2019). [PA Practice During a Disaster or Emergency: Are You Prepared?](#) (Accessed 10/28/19).

This page provides sample language for organizations to use to revise current state laws and rules to address the issue of PAs being able to practice during an emergency in other states. This would not be applicable for states that pass the [Optimal Team Practice \(OTP\)](#) legislation. Additionally, see the [PA in Disaster Response: Core Guidelines](#) developed by AAPA (adopted 2006, amended 2010 and 2015).

Federation of State Medical Boards. (2019). [Federal Grant Awarded to Expand Interstate Medical Licensure Compact; Support License Portability for PAs](#). (Accessed 10/28/19).

This press release provides information on the recently awarded funding to support the [Interstate Medical Licensure Compact \(IMLC\)](#) by the US Health Resources and Services Administration (HRSA) to help enhance license portability for physicians and PAs. This press release notes that “the five-year HRSA grant will be used to support license portability for PAs, enhance the IMLC technology platform to enable secure communications among IMLC member boards, and expand outreach to educate stakeholders on how to utilize the IMLC to improve access to care using telemedicine across state lines. The grant will also support new and existing IMLC member states in increasing efficiency in conducting required criminal background checks. Since 2015, 29 states, Guam and the District of Columbia have enacted legislation to join the IMLC. These states include Alabama, Arizona, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.”

II. Additional Resources: Licensure Portability/ Medical Volunteers

American College of Surgeons. (n.d.). [Uniform Emergency Volunteer Health Practitioners Act](#). (Accessed 10/22/2019.).

The Uniform Emergency Volunteer Health Practitioners Act (UEVHPA) provides consistent legislative language to facilitate organized response efforts among volunteer health practitioners.

California Emergency Medical Services Authority. (2016). [Disaster Healthcare Volunteers: Deployment Operations Manual](#).

The purpose of this document is to “provide a common operational framework, including guidelines and checklists, to guide the deployment of disaster healthcare volunteers” across operational areas in California during an emergency requiring medical resources. The deployment concepts in the manual may be helpful to volunteer managers in other states responsible for developing their own respective protocols for deployment of disaster healthcare volunteers.

Federal Emergency Management Agency. (2009). [Citizens Corps Volunteer Liability Guide: An Overview of Legal Issues and Approaches to Address Liability for Emergency Volunteers.](#)

The aim of this guide is to provide an overview of volunteers and liability, including: a summary of the law and liability, sources of liability protection (e.g., volunteer acts, and Good Samaritan laws), and an explanation of risk management as it relates to liability. Also included are checklists that can be tailored by volunteer organizations.

Kels, C.G., and Kels, L.H. (2013). [Portability of Licensure and the Nation's Health.](#) Military Medicine. 178, 3:279.

The authors of this article provide an overview of the key initiatives that have taken place to achieve expanded licensure portability across the U.S. They also provide suggestions related to policies and state sovereignty that allows for the flexibility of health practitioners to practice across state borders. Below is specifically the excerpt for the [Emergency Management Assistance Compact \(EMAC\).](#)

EMAC is available in all 50 states, the U.S. Virgin Islands, Puerto Rico, Guam, and the District of Columbia.

- [Article V- Licenses and Permits](#): *Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the Requesting State may prescribe by executive order or otherwise.*
- [Article VI- Liability](#): *Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the Requesting States for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.*

Stanford Healthcare. (2012). [Disaster Privileges for Volunteer Licensed Independent Practitioners \(LIP\) and Advanced Practice Providers \(APP\).](#)

This policy can be used as an example for hospitals interested in granting temporary privileges to volunteer medical providers to help care for patients in a surge situation.