

H. B. 2383

(By Delegates Staggers, Shaver, Moyer, Hamilton,
Caputo, Fleischauer and Rowan)

[Introduced January 12, 2011; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §16-1C-1, §16-1C-2,
§16-1C-3, §16-1C-4, §16-1C-5 and §16-1C-6, all relating to
establishing the "Emergency Credentialing for Health Care
Providers Act"; requiring the Secretary of the Department of
Health and Human Resources to establish a registry of
emergency health care providers; authorizing the secretary to
designate all or a part of a health care facility or other
location as an emergency health care center; authorizing the
secretary to direct health care providers during an emergency;
requiring emergency health care providers to comply with
emergency plans and credentialing plans; providing that
emergency health care providers and other health care
providers who volunteer to perform emergency health care
services without compensation are agents of the state for the
purpose of any claims arising out of those services; and

1 legislative rules to implement provisions of this article.

2 *Be it enacted by the Legislature of West Virginia:*

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new article, designated §16-1C-1, §16-1C-2,
5 §16-1C-3, §16-1C-4, §16-1C-5 and §16-1C-6, all to read as follows:

6 **ARTICLE 1C. EMERGENCY CREDENTIALING FOR HEALTH CARE PROVIDERS ACT.**

7 **§16-1C-1. Registry of emergency health care providers.**

8 (a) The Secretary of the Department of Health and Human
9 Resources shall establish a registry of emergency health care
10 providers who are available to provide health care services during
11 an emergency or crisis. The secretary may require training related
12 to the provision of health care services in an emergency or crisis
13 as a condition of registration.

14 (b) The secretary shall issue identification cards to health
15 care providers included in the registry established under this
16 section that:

17 (1) Identify the health care provider;

18 (2) Indicate that the health care provider is registered as a
19 West Virginia emergency health care provider;

20 (3) Identify the license or certification held by the health
21 care provider; and

22 (4) Identify the health care provider's usual area of practice
23 if that information is available and the secretary determines that
24 it is appropriate to provide that information.

1 (c) The secretary shall by legislative rule establish a form
2 for identification cards issued under the provisions of this
3 section.

4 (d) The secretary shall support and provide assistance to the
5 Office of Emergency Management in emergencies or crises involving
6 the public health or requiring emergency medical response.

7 **§16-1C-2. Designation of emergency health care center.**

8 (a) The Secretary of the Department of Health and Human
9 Resources may designate all or a part of a health care facility or
10 other location as an emergency health care center. Upon the
11 Governor declaring a state of emergency or proclaiming a state of
12 impending public health crisis after determining that a threat to
13 the public health is imminent and likely to be widespread, life-
14 threatening and of a scope that requires immediate medical action
15 to protect the public health, emergency health care centers may be
16 used for:

17 (1) Evaluation and referral of individuals affected by the
18 emergency or crisis;

19 (2) Provision of health care services; and

20 (3) Preparation of patients for transportation.

21 (b) The secretary may enter into cooperative agreements with
22 local public health authorities that allow local public health
23 authorities to designate emergency health care centers under the
24 provisions of this section.

1 (c) An emergency health care center designated under this
2 section must have an emergency operations plan and a credentialing
3 plan that governs the use of emergency health care providers
4 registered under the provisions of section one of this article and
5 other health care providers who volunteer to perform health care
6 services at the center. The emergency operations plan and
7 credentialing plan must comply with rules governing those plans as
8 promulgated by the secretary.

9 **§16-1C-3. Direction of health care providers during emergency.**

10 If the Governor declares a state of emergency or proclaims a
11 state of impending public health crisis after determining that a
12 threat to the public health is imminent and likely to be
13 widespread, life-threatening and of a scope that requires immediate
14 medical action to protect the public health, The Secretary of the
15 Department of Health and Human Resources may direct emergency
16 health care providers, registered under the provisions of section
17 one of this article, who are willing to provide health care
18 services on a voluntary basis to proceed to any place in this state
19 where health care services are required by reason of the emergency
20 or crisis.

21 Any emergency health care provider registered under the
22 provisions of section one of this article or other health care
23 provider may volunteer to perform health care services described in
24 section three of this article at any emergency care center or

1 health care center facility in the manner provided by section three
2 of this article.

3 **§16-1C-4. Emergency services to comply with emergency plan and**
4 **credentialing plan.**

5 (a) Emergency health care providers registered under the
6 provisions of section one of this article and other health care
7 providers who volunteer to perform health care services under this
8 article must provide those services in accordance with the
9 emergency operations plan and credentialing plan adopted by the
10 emergency health care center or by the health care facility at
11 which the services are rendered.

12 (b) An emergency health care center or health care facility
13 may determine the services to be provided by any emergency health
14 care provider registered under the provisions of this article or
15 other health care provider who volunteers to perform health care
16 services under this article.

17 **§16-1C-5. Emergency health care providers agents of state.**

18 (a) Emergency health care providers registered under the
19 provisions of section one of this article and other health care
20 providers who volunteer to perform health care services without
21 compensation under the provisions of this article are agents of the
22 state for the purpose of any claims arising out of those services.

23 (b) Health care facilities and other persons operating
24 emergency health care centers designated under this article are

1 agents of the state for the purpose of any claims arising out of
2 services provided without compensation through those centers or
3 facilities.

4 (c) An emergency health care provider registered under this
5 article participating in training authorized by the Secretary of
6 the Department of Health and Human Resources is an agent of the
7 state for the purpose of any claims arising out of that training.

8 (d) The provisions of subsections (a) and (b) of this section
9 apply only to emergency health care centers or health care
10 facilities that have adopted emergency operations plans and
11 credentialing plans that govern the use of emergency health care
12 providers registered under the provisions of section one of this
13 article and other health care providers who volunteer to perform
14 health care services under this article. An emergency operations
15 plan and a credentialing plan must comply with rules governing
16 those plans adopted by the Secretary of the Department of Health
17 and Human Resources.

18 **§16-1C-6. Legislative rules.**

19 The Secretary of the Department of Health and Human Resources
20 shall propose rules for legislative approval in accordance with the
21 provisions of article three, chapter twenty-nine-a of this code
22 necessary for the implementation of the provisions of this article.

NOTE: The purpose of this bill is to establish the "Emergency

Credentialing for Health Care Providers Act" which requires the Secretary of the Department of Health and Human Resources to establish a registry of emergency health care providers. It authorizes the secretary to designate all or a part of a health care facility or other location as an emergency health care center; authorizes the secretary to direct health care providers during emergencies; and requires emergency health care providers to comply with an emergency plan and credentialing plan. The bill provides that emergency health care providers and other health care providers who volunteer to perform emergency health care services without compensation are agents of the state for the purpose of any claims arising out of those services. And, the bill requires the secretary to promulgate legislative rules to implement provisions of this article.

This article is new; therefore, it has been completely underscored.