

January 21, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1073

Page 1, line 1, after "37-17.3" insert "and a new section to chapter 65-06"

Page 1, line 2, after "Act" insert "and workers' compensation coverage of volunteers"

Page 1, line 3, replace "subdivision b of subsection 2 of section 28-32-01" with "section 65-06-05"

Page 1, line 4, replace "application of the Administrative Agencies Practice Act" with "workers' compensation coverage of volunteers"

Page 1, remove lines 6 through 9

Page 1, line 18, after "the" insert "state" and replace "emergency services" with "health"

Page 1, line 20, after the second "the" insert "state" and replace "emergency services" with "health"

Page 1, line 22, after "37-17.1" insert "and any event, condition, or incident for which the deployment of volunteer health practitioners is determined to be necessary by the state health officer or a local board of health"

Page 2, line 7, after "services" insert "and any other individual performing nonmedical support disaster or emergency responsibilities or duties at any place in this state subject to the order or control of, or pursuant to a request of, the state department of health or a local public health unit and deployed through the emergency system for advance registration of volunteer health professionals"

Page 3, line 13, replace "while" with "during" and remove "declaration"

Page 3, line 14, remove "is in effect"

Page 3, line 17, replace "while" with "during"

Page 3, line 18, remove "declaration is in effect"

Page 3, line 20, replace "While" with "During", remove "declaration is in effect", after "the" insert "state", and replace "emergency services" with "health"

Page 4, line 1, after "the" insert "state" and replace "emergency" with "health"

Page 4, line 2, remove "services"

Page 4, replace line 7 with:

1. In the case of a volunteer health practitioner whose principal practice is located in this state and who is licensed by a North Dakota professional

board or agency, the volunteer health practitioner registration system is the emergency system for advance registration of volunteer health professionals and is maintained by the state department of health and is known as the public health emergency volunteer medical reserve corps.

2. In the case of a volunteer health practitioner who is not covered under subsection 1, the volunteer health practitioner registration system is the system established under subsection 1 or a system that qualifies under this subsection. To qualify as a volunteer health practitioner registration system under this subsection, a system must:

Page 4, line 15, replace the underscored semicolon with an underscored colon

Page 4, line 22, after the underscored semicolon insert "or"

Page 4, line 31, replace "; or" with an underscored period

Page 5, remove lines 1 and 2

Page 5, line 3, replace "2." with "3.", replace "While" with "During", remove "declaration is in effect", after "the" insert "state", and replace "emergency" with "health"

Page 5, line 4, remove "services", after "the" insert "state", and replace "emergency" with "health"

Page 5, line 5, remove "services"

Page 5, line 7, after "1" insert "or 2"

Page 5, line 10, replace "3." with "4." and replace "2" with "3"

Page 5, line 14, replace "4." with "5."

Page 5, line 18, replace "While" with "During" and remove "declaration is in effect"

Page 6, line 11, replace "while" with "during" and remove "declaration is in effect"

Page 6, line 21, after "The" insert "state" and replace "emergency services" with "health"

Page 8, line 6, replace "department of emergency services" with "health council"

Page 8, line 7, replace "department of emergency services" with "health council"

Page 9, line 1, replace "protections" with "immunity"

Page 9, line 4, remove ", including section 23-27-04.1 and chapter 32-03.1"

Page 9, replace lines 6 through 27 with:

1. Except as provided in subsection 2, a volunteer health practitioner who dies or is injured as the result of providing health or veterinary services as provided under this chapter is not considered to be an employee of this

state for the purpose of receiving benefits under title 65 and must be treated for the purposes of North Dakota law as an individual eligible for workers' compensation or similar benefits under the law of the state in which the volunteer is qualified for service under an emergency system for advance registration of volunteer health practitioners authorized under subsection 2 of section 37-17.3-04.

2. A volunteer health practitioner whose principal practice is located in this state and who is licensed by a North Dakota professional board or agency who dies or is injured as a result of providing health or veterinary services as provided under this chapter is eligible for benefits as provided under title 65 if the volunteer is qualified and serving under the emergency system for advance registration of volunteer health practitioners of this state under subsection 1 of section 37-17.3-04.

SECTION 2. AMENDMENT. Section 65-06-05 of the North Dakota Century Code is amended and reenacted as follows:

65-06-05. Reimbursement by state for liability in excess of premiums collected. Whenever liability on claims against the fund credited to the classification of volunteer emergency or disaster emergency volunteers and trainees or volunteer health practitioners as defined under chapter 37-17.3 exceeds the amount of premiums paid into ~~such~~ the fund, such excess liabilities ~~shall be~~ are a general obligation of the state of North Dakota and must be reimbursed to the organization for credit to the workforce safety and insurance fund by legislative appropriation.

SECTION 3. A new section to chapter 65-06 of the North Dakota Century Code is created and enacted as follows:

Uniform Emergency Volunteer Health Practitioners Act - Health practitioners. A volunteer health practitioner under subsection 2 of section 37-17.3-11 is eligible for benefits as provided under this chapter."

Renumber accordingly