



State Analysis Guide

Scope of Practice Issues

This *State Analysis Guide* is intended to assist state health agency staff and legal counsel in locating and analyzing their state's laws, rules, policies, and implementation plans addressing scope of practice issues in public health emergencies. Specifically, the guide helps users evaluate issues modifying scope of practice for certain practitioners and potential conflicts in scope of practice with out-of-state volunteers.

Space is provided on the document to insert references or summaries of appropriate state and/or local authorities. Because each state's law is unique, this guide may not identify all issues that arise in the course of analyzing your state's law. **In all instances, the language and requirements of specific state/local laws, regulations, ordinances, rules, policies, guidances, case law, and other sources of legal authority overrule this general analysis guide. This resource is for informational purposes only and is not intended as a substitute for professional legal or other advice.**

Issues for Analysis		State/Local Information
Identifying Relevant Legal Authorities		
Identify licensed or otherwise state-regulated professionals that your jurisdiction will likely need during a public health emergency and identify the laws, regulations, orders, and policies governing them.		
	Physicians	
	Nurses	
	Emergency Medical Services (e.g., EMT, paramedics)	
	Pharmacists	
	Behavioral and Mental Health Providers	
	Dentists	
	Veterinarians	
	Laboratorians	
	Sanitarians and Environmental Health Specialists	
	Other Medical Care Providers (e.g., physician assistants, respiratory therapists, etc.)	

Issues for Analysis		State/Local Information
	Other Regulated Professions (e.g., engineers, architects, etc.)	
Identify those regulated professions with the existing authorized scopes of practice to accomplish required tasks during a public health emergency (e.g., vaccinate, write prescriptions, provide airway support, etc.). Note any specific medical control, supervision, or training requirements.		
	Physicians	
	Nurses	
	Emergency Medical Services (e.g., EMT, paramedics)	
	Pharmacists	
	Behavioral and Mental Health Providers	
	Dentists	
	Veterinarians	
	Laboratorians	
	Sanitarians and Environmental Health Specialists	
	Other Medical Care Providers (e.g., physician assistants, respiratory therapists, etc.)	
	Other Regulated Professions (e.g., engineers, architects, etc.)	
Identify if any regulated professions have existing legal authorities for an expanded or modified scope of practice in an emergency. If so, what expanded or modified activities can they undertake? Note any specific medical control, supervision, or training requirements.		
	Physicians	
	Nurses	

Issues for Analysis		State/Local Information
	Emergency Medical Services (e.g., EMT, paramedics)	
	Pharmacists	
	Behavioral and Mental Health Providers	
	Dentists	
	Veterinarians	
	Laboratorians	
	Sanitarians and Environmental Health Specialists	
	Other Medical Care Providers (e.g., physician assistants, respiratory therapists, etc.)	
	Other Regulated Professions (e.g., engineers, architects, etc.)	
Scope of Practice Modification <i>Without</i> Emergency Declaration		
For each of the above professions, identify if laws, regulations, etc., allow for changes to scope of practice or other practice requirements <i>without</i> a declared emergency. If changes are possible without a declared emergency, identify which official(s) or agency(ies) has the authority to make changes (e.g., governor, health officials, licensing board, etc.). Are there any procedures that must be followed in making the changes (e.g., approval by the legislature)? Are there any restrictions on the changes (e.g., type of changes, time limits, etc.)?		
	Physicians	
	Nurses	
	Emergency Medical Services (e.g., EMT, paramedics)	
	Pharmacists	
	Behavioral and Mental Health Providers	

Issues for Analysis		State/Local Information
	Dentists	
	Veterinarians	
	Laboratorians	
	Sanitarians and Environmental Health Specialists	
	Other Medical Care Providers (e.g., physician assistants, respiratory therapists, etc.)	
	Other Regulated Professions (e.g., engineers, architects, etc.)	
Scope of Practice Modification <i>Under</i> an Emergency Declaration		
For each of the above professions, identify if laws, regulations, etc., allow for changes to scope of practice or other practice requirements <i>during a declared emergency</i>. If changes are possible during a declared emergency, identify which official(s) or agency(ies) has the authority to make changes (e.g., governor, health officials, licensing board, etc.). Are there any procedures that must be followed in making the changes (e.g., approval by the legislature)? Are there any restrictions on the changes (e.g., type of changes, time limits, etc.)?		
	Physicians	
	Nurses	
	Emergency Medical Services (e.g., EMT, paramedics)	
	Pharmacists	
	Behavioral and Mental Health Providers	
	Dentists	
	Veterinarians	
	Laboratorians	

Issues for Analysis		State/Local Information
	Sanitarians and Environmental Health Specialists	
	Other Medical Care Providers (e.g., physician assistants, respiratory therapists, etc.)	
	Other Regulated Professions (e.g., engineers, architects, etc.)	

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