

No. 1996-141

AN ACT

HB 2511

Providing for volunteer health services; limiting liability of a volunteer license holder; and requiring reports.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Volunteer Health Services Act.

Section 2. Purpose.

It is the purpose of this act to increase the availability of primary health care services by establishing a procedure through which physicians and other health care practitioners who are retired from active practice may provide professional services as a volunteer in approved clinics serving financially qualified persons and in approved clinics located in medically underserved areas or health professionals shortage areas.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Approved clinic.” An organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to medical assistance clients or to residents of medically underserved areas or health professionals shortage areas. The term may include, but shall not be limited to, a State health center, nonprofit community-based clinic and federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

“Board.” The State Board of Medicine, the State Board of Osteopathic Medicine, the State Board of Dentistry, the State Board of Podiatry, the State Board of Nursing, the State Board of Optometry and the State Board of Chiropractic.

“Health care practitioner.” An individual licensed to practice a component of the healing arts by a licensing board within the Department of State.

“Licensee.” An individual who holds a current, active, unrestricted license as a health care practitioner issued by the appropriate board.

“Primary health care services.” The term includes, but is not limited to, regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing and health education.

“Volunteer license.” A license issued by the appropriate board to a retired individual who documents, to the board’s satisfaction, that the individual will practice without personal remuneration in approved clinics.

Section 4. Volunteer status.

A licensee in good standing who retires from active practice may apply, on forms provided by the appropriate board, to place the licensee’s license on volunteer status.

Section 5. Regulations.

Each board shall promulgate regulations governing the volunteer license category. The regulations shall include:

- (1) Qualifications for placing a license on volunteer status after the effective date of this act.
- (2) Criteria under which a licensee who, having retired in good standing and allowed the licensee’s license to become inactive prior to the effective date of this act, may be issued a volunteer license.
- (3) Procedures under which a volunteer license holder may return to active practice.

Section 6. License renewal; disciplinary and corrective measures.

A volunteer license shall be subject to biennial renewal. Holders of volunteer licenses shall be exempt from renewal fees imposed by the appropriate licensing board. Volunteer licensees shall comply with any continuing education requirements imposed by board rulemaking as a general condition of biennial renewal. In the enforcement of disciplinary matters, holders of volunteer licenses shall be subject to those standards of conduct applicable to all licensees licensed by the appropriate board.

Section 7. Liability.

(a) General rule.—A holder of a volunteer license who, in good faith, renders professional health care services under this act shall not be liable for civil damages arising as a result of any act or omission in the rendering of care unless the conduct of the volunteer licensee falls substantially below professional standards which are generally practiced and accepted in the community and unless it is shown that the volunteer licensee did an act or omitted the doing of an act which the person was under a recognized duty to a patient to do, knowing or having reason to know that the act or omission created a substantial risk of actual harm to the patient.

(b) Application.—This section shall not apply unless the approved clinic posts in a conspicuous place on its premises an explanation of the exemptions from civil liability provided under subsection (a). The protections provided by this section shall not apply to institutional health care providers, such as hospitals or approved clinics, subject to vicarious liability for the conduct of a volunteer license holder. The liability of such institutional defendants shall be governed by the standard of care established by common law.

Section 8. Report.

Beginning 30 days after the effective date of this act and every 30 days thereafter until such regulations are in effect, the chairmen of the appropriate

boards shall report in writing to the Commissioner of Professional and Occupational Affairs on the status of the volunteer license regulations, who shall convey the required reports to the standing committees on Consumer Protection and Professional Licensure and Public Health and Welfare of the Senate and the standing committees on Professional Licensure and Health and Human Services of the House of Representatives.

Section 9. Exemptions.

For the purposes of this act, licensees who are otherwise subject to the provisions of the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, shall be exempt from the requirements of that act with regard to the maintenance of liability insurance coverage. Volunteer licensees holding a license issued by the State Board of Chiropractic shall be exempt from the provisions of section 508 of the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

Section 10. State health centers.

Services of volunteers shall not be substituted for those of Commonwealth employees.

Section 11. Effective date.

This act shall take effect in 60 days.

APPROVED—The 4th day of December, A.D. 1996.

THOMAS J. RIDGE