

No. 2002-58

AN ACT

SB 1017

Amending the act of December 4, 1996 (P.L.893, No.141), entitled "An act providing for volunteer health services; limiting liability of a volunteer license holder; and requiring reports," further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

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

Section 1. The definition of "volunteer license" in section 3 of the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, is amended to read:

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:

* * *

"Volunteer license." A license issued by the appropriate board to a [retired individual] *health care practitioner* who documents, to the board's satisfaction, that the individual will practice [without personal remuneration] *only* in approved clinics *without remuneration, who is:*

(1) *a retired health care practitioner; or*

(2) *a nonretired health care practitioner who is not required to maintain professional liability insurance under the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, or the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, because the health care practitioner is not otherwise practicing medicine or providing health care services in this Commonwealth.*

Section 2. Sections 4, 5 and 9 of the act are amended to read:

Section 4. Volunteer status.

A licensee in good standing who retires from active practice *or a nonretired licensee who does not otherwise currently practice or provide health care services in this Commonwealth and is not required to maintain professional liability insurance under the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, or the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act,* may apply, on forms provided by the appropriate board, [to place the licensee's license on volunteer status] *for a volunteer license.*

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] *qualifications for obtaining a volunteer license.*

Section 9. Exemptions.

For the purposes of this act, *volunteer* 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, *or the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) 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 3. The act is amended by adding sections to read:

Section 10.2. Indemnity and defense for active practitioners.

A health care practitioner who provides health care services at an approved clinic without remuneration under an active nonvolunteer license shall be entitled to indemnity and defense under the terms of whatever liability insurance coverage is maintained by or provided to the practitioner to comply with the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, or the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in the scope of their regular practice. No health care practitioner may be surcharged or denied coverage for rendering services at an approved clinic. Nothing set forth in this section shall limit a carrier's right to refuse coverage or to adjust premiums on the basis of meritorious claims against the practitioner.

Section 10.3. Optional liability coverage.

A holder of a volunteer license, or an approved clinic acting on behalf of a volunteer licensee, who elects to purchase primary insurance to cover services rendered at an approved clinic shall not be obligated to purchase excess coverage through the Medical Professional Catastrophe Loss Fund or the Medical Care Availability and Reduction of Error (Mcare) Fund.

Section 4. This act shall take effect in 60 days.

APPROVED—The 19th day of June, A.D. 2002.

MARK S. SCHWEIKER