

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1448 Session of  
2010

INTRODUCED BY PIPPY, ORIE, ERICKSON, SMUCKER, BAKER, RAFFERTY,  
O'PAKE, WAUGH, FOLMER, EARLL, D. WHITE AND DINNIMAN,  
JULY 30, 2010

REFERRED TO JUDICIARY, JULY 30, 2010

AN ACT

1 Amending the act of December 4, 1996 (P.L.893, No.141), entitled  
2 "An act providing for volunteer health services; limiting  
3 liability of a volunteer license holder; and requiring  
4 reports," further providing for purpose, for the definition  
5 of "volunteer license" and for liability.

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

8 Section 1. Section 2 of the act of December 4, 1996  
9 (P.L.893, No.141), known as the Volunteer Health Services Act,  
10 is amended to read:

11 Section 2. Purpose.

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

1 Section 2. The definition of "volunteer license" in section  
2 3 of the act, amended June 19, 2002 (P.L.406, No.58), is amended  
3 to read:

4 Section 3. Definitions.

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

8 \* \* \*

9 "Volunteer license." A license issued by the appropriate  
10 board to a health care practitioner who documents, to the  
11 board's satisfaction, that the individual will practice only in  
12 approved clinics without remuneration, who is:

13 (1) a retired health care practitioner; [or]

14 (2) a nonretired health care practitioner who is not  
15 required to maintain professional liability insurance under  
16 the act of October 15, 1975 (P.L.390, No.111), known as the  
17 Health Care Services Malpractice Act, or the act of March 20,  
18 2002 (P.L.154, No.13), known as the Medical Care Availability  
19 and Reduction of Error (Mcare) Act, because the health care  
20 practitioner is not otherwise practicing medicine or  
21 providing health care services in this Commonwealth[.];

22 (3) a practicing licensee in good standing; or

23 (4) a volunteer licensee in good standing when the  
24 volunteer licensee is practicing in a hospital to treat a  
25 patient who has been referred from an approved clinic.

26 Section 3. Section 4 of the act, amended June 19, 2002  
27 (P.L.406, No.58), is amended to read:

28 Section 4. Volunteer status.

29 A licensee in good standing who retires from active practice  
30 or a nonretired licensee who does not otherwise currently

1 practice or provide health care services in this Commonwealth  
2 and is not required to maintain professional liability insurance  
3 under the act of October 15, 1975 (P.L.390, No.111), known as  
4 the Health Care Services Malpractice Act, or the act of March  
5 20, 2002 (P.L.154, No.13), known as the Medical Care  
6 Availability and Reduction of Error (Mcare) Act, or a practicing  
7 licensee may apply, on forms provided by the appropriate board,  
8 for a volunteer license.

9 Section 4. Section 7 of the act is amended by adding a  
10 subsection to read:

11 Section 7. Liability.

12 \* \* \*

13 (a.1) A practicing licensee in good standing who, in good  
14 faith, renders professional services as a volunteer in approved  
15 clinics serving financially qualified persons or in approved  
16 clinics located in medically underserved areas or health  
17 professionals shortage areas shall not be liable for civil  
18 damages arising as a result of any act or omission in the  
19 rendering of care unless the conduct of the licensee falls  
20 substantially below professional standards which are generally  
21 practiced and accepted in the community and unless it is shown  
22 that the licensee did an act or omitted the doing of an act  
23 which the licensee was under a recognized duty to a patient to  
24 do, knowing or having reason to know that the act or omission  
25 created a substantial risk of actual harm to the patient. This  
26 subsection shall apply to a licensee who provides specialized  
27 treatment as a volunteer to a person in a hospital if the person  
28 was referred for specialized treatment from an approved clinic.

29 \* \* \*

30 Section 5. This act shall take effect immediately.