
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1256 Session of
2011

INTRODUCED BY GREENLEAF, STACK, FONTANA, ORIE, M. WHITE,
BREWSTER, RAFFERTY, SCHWANK, MENSCH, ERICKSON, VOGEL, WAUGH,
BAKER, WASHINGTON, FARNESE, BROWNE AND WILLIAMS,
OCTOBER 4, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 4, 2011

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 definitions and
5 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]:

13 (1) Increase the availability of primary health care
14 services by establishing a procedure through which physicians
15 and other health care practitioners who are retired from
16 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

1 underserved areas or health professionals shortage areas.

2 (2) Increase the availability of mental health services
3 by establishing a procedure through which physicians and
4 other health care practitioners who are retired from active
5 practice may provide mental health services as a volunteer to
6 United States military personnel and their families through
7 an approved clinic.

8 Section 2. Section 3 of the act, amended June 19, 2002
9 (P.L.406, No.58), is amended to read:

10 Section 3. Definitions.

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

14 "Approved clinic." An organized community-based clinic
15 offering primary health care services to individuals and
16 families who cannot pay for their care, to medical assistance
17 clients or to residents of medically underserved areas or health
18 professionals shortage areas. The term may include, but shall
19 not be limited to, a State health center, nonprofit community-
20 based clinic and federally qualified health center, as
21 designated by Federal rulemaking or as approved by the
22 Department of Health or the Department of Public Welfare. The
23 term shall also include a nonprofit organization as defined
24 under section 501(c)(3) of the Internal Revenue Code of 1986
25 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to
26 provide free mental health services offered by licensed
27 volunteers, whether inside or outside a clinic setting, to
28 United States military personnel and their families regardless
29 of income.

30 "Board." The State Board of Medicine, the State Board of

1 Osteopathic Medicine, the State Board of Dentistry, the State
2 Board of Podiatry, the State Board of Nursing, the State Board
3 of Optometry [and], the State Board of Chiropractic, the State
4 Board of Psychology and the State Board of Social Workers,
5 Marriage and Family Therapists and Professional Counselors.

6 "Health care practitioner." An individual licensed to
7 practice a component of the healing arts by a licensing board
8 within the Department of State.

9 "Licensee." An individual who holds a current, active,
10 unrestricted license as a health care practitioner issued by the
11 appropriate board.

12 "Mental health services." The term includes, but is not
13 limited to, marital and family therapy, substance abuse
14 counseling and treatment for post-traumatic stress disorder and
15 traumatic brain injury.

16 "Primary health care services." The term includes, but is
17 not limited to, regular checkups, immunizations, school
18 physicals, health education, prenatal and obstetrical care,
19 early periodic screening and diagnostic testing [and], health
20 education and mental health services.

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

- 25 (1) a retired health care practitioner; or
26 (2) a nonretired health care practitioner who is not
27 required to maintain professional liability insurance under
28 the act of October 15, 1975 (P.L.390, No.111), known as the
29 Health Care Services Malpractice Act, or the act of March 20,
30 2002 (P.L.154, No.13), known as the Medical Care Availability

1 and Reduction of Error (Mcare) Act, because the health care
2 practitioner is not otherwise practicing medicine or
3 providing health care services in this Commonwealth.

4 Section 3. Section 7(b) of the act is amended to read:

5 Section 7. Liability.

6 * * *

7 (b) Application.--

8 (1) This section shall not apply unless:

9 (i) the approved clinic posts in a conspicuous place
10 on its premises an explanation of the exemptions from
11 civil liability provided under subsection (a)[.]; or

12 (ii) in the case of an approved clinic that is a
13 nonprofit organization providing free mental health
14 services to United States military personnel and their
15 families, the volunteer licensee posts an explanation of
16 the exemptions from civil liability in a conspicuous
17 place on the premises in which the volunteer licensee is
18 providing the services.

19 (2) The protections provided by this section shall not
20 apply to institutional health care providers, such as
21 hospitals or approved clinics, subject to vicarious liability
22 for the conduct of a volunteer license holder. The liability
23 of such institutional defendants shall be governed by the
24 standard of care established by common law.

25 Section 4. This act shall take effect immediately.