

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2511

Session of  
1996

INTRODUCED BY VANCE AND DENT, MARCH 25, 1996

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 13, 1996

## AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Purpose.

9 It is the purpose of this act to increase the availability of  
10 primary health care services by establishing a procedure through  
11 which physicians and other health care practitioners who are  
12 retired from active practice may provide professional services  
13 ~~to financially qualified individuals in a clinical setting as a~~ <—  
14 ~~volunteer.~~ AS A VOLUNTEER IN APPROVED CLINICS SERVING <—  
15 FINANCIALLY QUALIFIED PERSONS AND IN APPROVED CLINICS LOCATED IN  
16 MEDICALLY UNDERSERVED AREAS OR HEALTH PROFESSIONALS SHORTAGE  
17 AREAS.

1 Section 3. Definitions.

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

5 "APPROVED CLINIC." AN ORGANIZED COMMUNITY-BASED CLINIC <—  
6 OFFERING PRIMARY HEALTH CARE SERVICES TO INDIVIDUALS AND  
7 FAMILIES WHO CANNOT PAY FOR THEIR CARE, TO MEDICAL ASSISTANCE  
8 CLIENTS, OR TO RESIDENTS OF MEDICALLY UNDERSERVED AREAS OR  
9 HEALTH PROFESSIONALS SHORTAGE AREAS. THE TERM MAY INCLUDE BUT  
10 SHALL NOT BE LIMITED TO A STATE HEALTH CENTER, NONPROFIT  
11 COMMUNITY-BASED CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER, AS  
12 DESIGNATED BY FEDERAL RULEMAKING OR AS APPROVED BY THE  
13 DEPARTMENT OF HEALTH OR THE DEPARTMENT OF PUBLIC WELFARE.

14 "Board." The State Board of Medicine, the State Board of  
15 Osteopathic Medicine, the State Board of Dentistry, the State  
16 Board of Podiatry, the State Board of Nursing, THE STATE BOARD <—  
17 OF OPTOMETRY and the State Board of Chiropractic.

18 "Health care practitioner." An individual licensed to  
19 practice a component of the healing arts by a licensing board  
20 within the Department of State.

21 "Licensee." An individual who holds a current, active,  
22 unrestricted license as a health care practitioner issued by the  
23 appropriate board.

24 "PRIMARY HEALTH CARE SERVICES." THE TERM INCLUDES, BUT IS <—  
25 NOT LIMITED TO, REGULAR CHECKUPS, IMMUNIZATIONS, SCHOOL  
26 PHYSICALS, HEALTH EDUCATION, PRENATAL AND OBSTETRICAL CARE,  
27 EARLY PERIODIC SCREENING AND DIAGNOSTIC TESTING AND HEALTH  
28 EDUCATION.

29 "Volunteer license." A license issued by the appropriate  
30 board to a retired individual who documents, to the board's

1 satisfaction, that ~~he shall~~ THE INDIVIDUAL WILL practice solely <—  
2 ~~in organized clinical settings approved by the board for the~~  
3 ~~care and treatment of needy patients or patients in medically~~  
4 ~~underserved regions of this Commonwealth~~ without PERSONAL <—  
5 remuneration IN APPROVED CLINICS. <—

6 Section 4. Volunteer status.

7 A licensee in good standing who retires from active practice  
8 may apply, on forms provided by the appropriate board, to place  
9 ~~his~~ THE LICENSEE'S license on volunteer status. <—

10 Section 5. Regulations.

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

13 (1) Qualifications for placing a ~~licensee~~ LICENSE on <—  
14 volunteer status AFTER THE EFFECTIVE DATE OF THIS ACT. <—

15 (2) Criteria under which a licensee who, having retired  
16 in good standing and allowed ~~his~~ THE LICENSEE'S license to <—  
17 become inactive prior to the effective date of this act, may  
18 be issued a volunteer license.

19 (3) Procedures under which a volunteer license holder  
20 may return to active practice.

21 ~~(4) Appropriate clinical settings.~~ <—

22 Section 6. License renewal; DISCIPLINARY AND CORRECTIVE <—  
23 MEASURES.

24 A volunteer license shall be subject to biennial renewal.  
25 HOLDERS OF VOLUNTEER LICENSES SHALL BE EXEMPT FROM RENEWAL FEES <—  
26 IMPOSED BY THE APPROPRIATE LICENSING BOARD. VOLUNTEER LICENSEES  
27 SHALL COMPLY WITH ANY CONTINUING EDUCATION REQUIREMENTS IMPOSED  
28 BY BOARD RULEMAKING AS A GENERAL CONDITION OF BIENNIAL RENEWAL.  
29 IN THE ENFORCEMENT OF DISCIPLINARY MATTERS, HOLDERS OF VOLUNTEER  
30 LICENSES SHALL BE SUBJECT TO THOSE STANDARDS OF CONDUCT

1 APPLICABLE TO ALL LICENSEES LICENSED BY THE APPROPRIATE BOARD.

2 Section 7. Liability.

3 ~~The liability of a volunteer license holder for civil damages~~ <—  
4 ~~as a result of acts or omissions during the rendering of health~~  
5 ~~care in accordance with the limitations of the volunteer license~~  
6 ~~shall be limited to intentional or reckless acts or omissions.~~  
7 ~~There shall be no liability for negligent acts or omissions.~~

8 (A) GENERAL RULE.--A HOLDER OF A VOLUNTEER LICENSE WHO, IN <—  
9 GOOD FAITH, RENDERS PROFESSIONAL HEALTH CARE SERVICES UNDER THIS  
10 ACT SHALL NOT BE LIABLE FOR CIVIL DAMAGES ARISING AS A RESULT OF  
11 ANY ACT OR OMISSION IN THE RENDERING OF CARE UNLESS THE CONDUCT  
12 OF THE VOLUNTEER LICENSEE FALLS SUBSTANTIALLY BELOW PROFESSIONAL  
13 STANDARDS WHICH ARE GENERALLY PRACTICED AND ACCEPTED IN THE  
14 COMMUNITY, AND UNLESS IT IS SHOWN THAT THE VOLUNTEER LICENSEE  
15 DID AN ACT OR OMITTED THE DOING OF AN ACT WHICH THE PERSON WAS  
16 UNDER A RECOGNIZED DUTY TO A PATIENT TO DO, KNOWING OR HAVING  
17 REASON TO KNOW THAT THE ACT OR OMISSION CREATED A SUBSTANTIAL  
18 RISK OF ACTUAL HARM TO THE PATIENT.

19 (B) APPLICATION.--THIS SECTION SHALL NOT APPLY UNLESS THE  
20 APPROVED CLINIC POSTS IN A CONSPICUOUS PLACE ON ITS PREMISES AN  
21 EXPLANATION OF THE EXEMPTIONS FROM CIVIL LIABILITY PROVIDED  
22 UNDER SUBSECTION (A).

23 Section 8. Report.

24 Beginning 30 days after the effective date of this act and  
25 every 30 days thereafter until such regulations are in effect,  
26 the chairmen of the appropriate boards shall report in writing  
27 to the Commissioner of Professional and Occupational Affairs on  
28 the status of the volunteer license regulations, who shall  
29 convey the required reports to the standing committees on  
30 Consumer Protection and Professional Licensure and Public Health

1 and Welfare of the Senate and the standing committees on  
2 Professional Licensure and Health and Human Services of the  
3 House of Representatives.

4 Section 9. Exemptions.

5 For the purposes of this act, licensees WHO ARE OTHERWISE <—  
6 subject to the provisions of the act of October 15, 1975  
7 (P.L.390, No.111), known as the Health Care Services Malpractice  
8 Act, shall be exempt from the requirements of that act with  
9 regard to the maintenance of liability insurance coverage.

10 ~~Individuals~~ VOLUNTEER LICENSEES holding a license issued by the <—  
11 State Board of Chiropractic shall be exempt from the provisions  
12 of section 508 of the act of December 16, 1986 (P.L.1646,  
13 No.188), known as the Chiropractic Practice Act.

14 SECTION 10. STATE HEALTH CENTERS. <—

15 SERVICES OF VOLUNTEERS SHALL NOT BE SUBSTITUTED FOR THOSE OF  
16 COMMONWEALTH EMPLOYEES, NOR SHALL ANY VOLUNTEER SERVICES BE  
17 DEEMED TO FILL ANY POSITION WITH A STATE HEALTH CENTER WHICH IS  
18 FILLED AS OF THE EFFECTIVE DATE OF THIS ACT.

19 Section ~~10~~ 11. Effective date. <—

20 This act shall take effect in 60 days.