
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 569 Session of
2011

INTRODUCED BY PIPPY, ORIE, FOLMER, VOGEL, ERICKSON, EARLL,
LEACH, FONTANA, BAKER, BROWNE, M. WHITE, RAFFERTY, WAUGH AND
BRUBAKER, FEBRUARY 18, 2011

REFERRED TO JUDICIARY, FEBRUARY 18, 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 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.