

**VOLUNTEER HEALTH SERVICES ACT**  
**Act of Dec. 4, 1996, P.L. 893, No. 141**  
AN ACT

Cl. 35

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

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

Section 1. Short title.

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

Section 2. Purpose.

It is the purpose of this act to:

(1) Increase the availability of primary health care  
services, including mental health services, by establishing  
a procedure through which physicians and other health care  
practitioners who are retired from active practice may  
provide professional services within their scope of practice  
as a volunteer in approved clinics serving financially  
qualified persons and in approved clinics located in  
medically underserved areas or health professionals shortage  
areas.

(2) Increase the availability of mental health services  
to military personnel and their families by establishing a  
procedure through which physicians and other health care  
practitioners who are retired from active practice may  
provide mental health services within their scope of practice  
as a volunteer upon referral from approved organizations.

(2 amended July 2, 2014, P.L.820, No.86)

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:

"Approved clinic." An organized community-based clinic  
offering primary health care services to individuals and  
families who cannot pay for their care, to medical assistance  
clients or to residents of medically underserved areas or health  
professionals shortage areas. The term may include, but shall  
not be limited to, a State health center, nonprofit  
community-based clinic and federally qualified health center,  
as designated by Federal rulemaking or as approved by the  
Department of Health or the Department of Public Welfare.

"Approved organization." A nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to refer military personnel and their families, regardless of income and who are in need of mental health services, to licensed volunteers who provide mental health services, whether or not the mental health services are provided at an approved clinic and which organization is approved by the Department of Military and Veterans Affairs under section 4.1.

"Board." The State Board of Medicine, the State Board of Osteopathic Medicine, the State Board of Dentistry, the State Board of Podiatry, the State Board of Nursing, the State Board of Optometry, the State Board of Chiropractic, the State Board of Psychology and the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

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

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

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

"Military personnel." An individual who has served or is serving in the United States Armed Forces, reserve component or National Guard.

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

"Volunteer license." A license issued by the appropriate board to a health care practitioner who documents, to the board's satisfaction, that the individual will practice only in approved clinics, or upon referral from approved organizations, 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 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.

(3 amended July 2, 2014, P.L.820, No.86)

**Compiler's Note:** The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.  
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, for a volunteer license.

(4 amended June 19, 2002, P.L.406, No.58)

Section 4.1. Approved organization procedure.

(a) Submission of application.--Any 501(c)(3) nonprofit organization whose purpose is to refer military personnel and their families to licensed volunteers who provide mental health services without remuneration may submit an application to the Department of Military and Veterans Affairs.

(b) Contents of information.--An application submitted under subsection (a) shall contain:

(1) The name and address of the organization and a copy of its corporate filing.

(2) The charitable purpose for which it is operating in this Commonwealth.

(3) The latest filing with the Department of State.

(4) The level of insurance obtained by the organization for its activities.

(5) The location, hours, facilities and staff who will oversee the volunteer effort.

(6) The confirmation of tax-exempt status of the organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) issued by the United States Internal Revenue Service.

(7) The most recent Federal tax return (IRS Form 990, 990EZ or 990N) filed by the organization.

(8) Any other information the Department of Military and Veterans Affairs, or any Commonwealth agency consulted by the department, deems necessary.

(c) Review of application.--The Department of Military and Veterans Affairs shall review the information provided on the application and, after coordination with the Department of State and any other Commonwealth agency the Department of Military and Veterans Affairs deems appropriate, may approve or disapprove that organization for sponsoring persons who hold volunteer licenses as provided under this act. The Department of Military and Veterans Affairs shall provide the appropriate licensing board with the information and a list of approved organizations pursuant to this section.

(4.1 added July 2, 2014, P.L.820, No.86)

Section 5. Regulations.

Each board shall promulgate regulations governing the volunteer license category. The regulations shall include qualifications for obtaining a volunteer license.

(5 amended June 19, 2002, P.L.406, No.58)

Section 6. License renewal; disciplinary and corrective measures.

(a) Renewal term.--A volunteer license shall be subject to biennial renewal.

(b) Fee exemption.--Holders of volunteer licenses shall be exempt from renewal fees imposed by the appropriate licensing board.

(c) Continuing education.--Except as set forth in subsection (d), holders of volunteer licenses shall comply with any continuing education requirements imposed by board rulemaking as a general condition of biennial renewal.

(d) Physicians.--

(1) Holders of volunteer licenses who are physicians shall complete a minimum of 20 credit hours of American Medical Association Physician's Recognition Award Category 2 activities during the preceding biennial period as a condition of biennial renewal and are otherwise exempt from any continuing education requirement imposed by section 910 of the act of March 20, 2002 (P.L.154, No.13), known as the

Medical Care Availability and Reduction of Error (Mcare) Act, or by board rulemaking.

(2) Physicians who are covered by section 10.2 and hold an unrestricted license to practice medicine shall complete the continuing medical education requirements established by the boards under section 910 of the Medical Care Availability and Reduction of Error (Mcare) Act to be eligible for renewal of the unrestricted license.

(e) Disciplinary matters.--In the enforcement of disciplinary matters, holders of volunteer licenses shall be subject to those standards of conduct applicable to all licensees licensed by the appropriate board.

(6 amended July 8, 2007, P.L.91, No.29)

Section 7. Liability.

(a) General rule.--A holder of a volunteer license who, in good faith, renders professional health care services within his scope of practice under this act shall not be liable for civil damages arising as a result of any act or omission in the rendering of care unless the conduct of the volunteer licensee falls substantially below professional standards which are generally practiced and accepted in the community and unless it is shown that the volunteer licensee did an act or omitted the doing of an act which the person was under a recognized duty to a patient to do, knowing or having reason to know that the act or omission created a substantial risk of actual harm to the patient.

(b) Application.--

(1) This section shall not apply unless:

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

(ii) the volunteer licensee providing mental health services upon referral from an approved organization provides the military personnel or family member being treated with a written explanation of the exemptions from civil liability provided under subsection (a).

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

(7 amended July 2, 2014, P.L.820, No.86)

Section 8. Report.

Beginning 30 days after the effective date of this act and every 30 days thereafter until such regulations are in effect, the chairmen of the appropriate boards shall report in writing to the Commissioner of Professional and Occupational Affairs on the status of the volunteer license regulations, who shall convey the required reports to the standing committees on Consumer Protection and Professional Licensure and Public Health and Welfare of the Senate and the standing committees on Professional Licensure and Health and Human Services of the House of Representatives.

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.

(9 amended June 19, 2002, P.L.406, No.58)

Section 10. State health centers.

Services of volunteers shall not be substituted for those of Commonwealth employees.

Section 10.1. Prescription of medication for family members.

(a) General rule.--A holder of a volunteer license who was able to prescribe medication pursuant to the laws of this Commonwealth while a licensee may prescribe medication to any member of his family notwithstanding the family member's ability to pay for that member's own care or whether that member is being treated at an approved clinic.

(b) Liability.--The liability provisions of section 7(a) shall apply to a holder of a volunteer license who prescribes medication to a family member pursuant to this section, whether or not the provisions of section 7(b) have been followed.

(c) Construction.--Nothing in this section shall be construed to allow a volunteer license holder to prescribe medication of a type or in a manner prohibited by the laws of this Commonwealth or to practice outside his scope of practice.

((c) amended July 2, 2014, P.L.820, No.86)

(d) Definition.--As used in this section, the term "family member" means a volunteer license holder's spouse, child, daughter-in-law, son-in-law, mother, father, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandchild, niece, nephew or cousin.

(10.1 added Oct. 18, 2000, P.L.599, No.76)

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.

(10.2 added June 19, 2002, P.L.406, No. 58)

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.

(10.3 added June 19, 2002, P.L.406, No.58)

Section 11. Effective date.

This act shall take effect in 60 days.