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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2511** Session of  
1996

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INTRODUCED BY VANCE AND DENT, MARCH 25, 1996

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 3, 1996

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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 as a volunteer in approved clinics serving financially qualified  
14 persons and in approved clinics located in medically underserved  
15 areas or health professionals shortage areas.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

12 "Board." The State Board of Medicine, the State Board of  
13 Osteopathic Medicine, the State Board of Dentistry, the State  
14 Board of Podiatry, the State Board of Nursing, the State Board  
15 of Optometry and the State Board of Chiropractic.

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

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

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

27 "Volunteer license." A license issued by the appropriate  
28 board to a retired individual who documents, to the board's  
29 satisfaction, that the individual will practice without personal  
30 remuneration in approved clinics.

1 Section 4. Volunteer status.

2 A licensee in good standing who retires from active practice  
3 may apply, on forms provided by the appropriate board, to place  
4 the licensee's license on volunteer status.

5 Section 5. Regulations.

6 Each board shall promulgate regulations governing the  
7 volunteer license category. The regulations shall include:

8 (1) Qualifications for placing a license on volunteer  
9 status after the effective date of this act.

10 (2) Criteria under which a licensee who, having retired  
11 in good standing and allowed the licensee's license to become  
12 inactive prior to the effective date of this act, may be  
13 issued a volunteer license.

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

16 Section 6. License renewal; disciplinary and corrective  
17 measures.

18 A volunteer license shall be subject to biennial renewal.

19 Holders of volunteer licenses shall be exempt from renewal fees  
20 imposed by the appropriate licensing board. Volunteer licensees  
21 shall comply with any continuing education requirements imposed  
22 by board rulemaking as a general condition of biennial renewal.

23 In the enforcement of disciplinary matters, holders of volunteer  
24 licenses shall be subject to those standards of conduct  
25 applicable to all licensees licensed by the appropriate board.

26 Section 7. Liability.

27 (a) General rule.--A holder of a volunteer license who, in  
28 good faith, renders professional health care services under this  
29 act shall not be liable for civil damages arising as a result of  
30 any act or omission in the rendering of care unless the conduct

1 of the volunteer licensee falls substantially below professional  
2 standards which are generally practiced and accepted in the  
3 community, and unless it is shown that the volunteer licensee  
4 did an act or omitted the doing of an act which the person was  
5 under a recognized duty to a patient to do, knowing or having  
6 reason to know that the act or omission created a substantial  
7 risk of actual harm to the patient.

8 (b) Application.--This section shall not apply unless the  
9 approved clinic posts in a conspicuous place on its premises an  
10 explanation of the exemptions from civil liability provided  
11 under subsection (a). THE PROTECTIONS PROVIDED BY THIS SECTION <—  
12 SHALL NOT APPLY TO INSTITUTIONAL HEALTH CARE PROVIDERS, SUCH AS  
13 HOSPITALS OR APPROVED CLINICS, SUBJECT TO VICARIOUS LIABILITY  
14 FOR THE CONDUCT OF A VOLUNTEER LICENSE HOLDER. THE LIABILITY OF  
15 SUCH INSTITUTIONAL DEFENDANTS SHALL BE GOVERNED BY THE STANDARD  
16 OF CARE ESTABLISHED BY COMMON LAW.

17 Section 8. Report.

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

28 Section 9. Exemptions.

29 For the purposes of this act, licensees who are otherwise  
30 subject to the provisions of the act of October 15, 1975

1 (P.L.390, No.111), known as the Health Care Services Malpractice  
2 Act, shall be exempt from the requirements of that act with  
3 regard to the maintenance of liability insurance coverage.  
4 Volunteer licensees holding a license issued by the State Board  
5 of Chiropractic shall be exempt from the provisions of section  
6 508 of the act of December 16, 1986 (P.L.1646, No.188), known as  
7 the Chiropractic Practice Act.

8 Section 10. State health centers.

9 Services of volunteers shall not be substituted for those of  
10 Commonwealth employees., ~~nor shall any volunteer services be~~ <—  
11 ~~deemed to fill any position with a State health center which is~~  
12 ~~filled as of the effective date of this act.~~

13 Section 11. Effective date.

14 This act shall take effect in 60 days.