

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2156 Session of  
2001

INTRODUCED BY BENNINGHOFF, M. BAKER, BARD, BEBKO-JONES,  
CAPPELLI, CLYMER, CREIGHTON, EGOLF, J. EVANS, FAIRCHILD,  
GEIST, GEORGE, HARHART, HARPER, HERMAN, HERSHEY, HORSEY,  
JAMES, KELLER, McCALL, MCGEEHAN, MCGILL, MCILHATTAN, NAILOR,  
PALLONE, PICKETT, PIPPY, ROHRER, RUBLEY, SATHER, SCHRODER,  
SCHULER, B. SMITH, SOLOBAY, E. Z. TAYLOR, THOMAS, TRELLO,  
TURZAI, WANSACZ, WATSON, WOJNAROSKI AND YOUNGBLOOD,  
NOVEMBER 19, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
NOVEMBER 19, 2001

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 defining "volunteer license"; further  
5 providing for volunteer status, for regulations and for  
6 exemptions; and providing for indemnity and defense for  
7 active practitioners and for optional liability coverage.

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

10 Section 1. The definition of "volunteer license" in section  
11 3 of the act of December 4, 1996 (P.L.893, No.141), known as the  
12 Volunteer Health Services Act, is amended to read:

13 Section 3. Definitions.

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

17 \* \* \*

1 "Volunteer license." A license issued by the appropriate  
2 board to a [retired individual] health care practitioner who  
3 documents, to the board's satisfaction, that the individual will  
4 practice [without personal remuneration] only in approved  
5 clinics without remuneration, who is:

6 (1) a retired health care practitioner; or

7 (2) a nonretired health care practitioner who is not  
8 required to maintain professional liability insurance under  
9 the act of October 15, 1975 (P.L.390, No.111), known as the  
10 Health Care Services Malpractice Act, because the health care  
11 practitioner is not otherwise practicing medicine or  
12 providing health care services in this Commonwealth.

13 Section 2. Sections 4, 5 and 9 of the act are amended to  
14 read:

15 Section 4. Volunteer status.

16 A licensee in good standing who retires from active practice  
17 or a nonretired licensee who does not otherwise currently  
18 practice or provide health care services in this Commonwealth,  
19 and is not required to maintain professional liability insurance  
20 under the act of October 15, 1975 (P.L.390, No.111), known as  
21 the Health Care Services Malpractice Act, may apply, on forms  
22 provided by the appropriate board, [to place the licensee's  
23 license on volunteer status] for a volunteer license.

24 Section 5. Regulations.

25 Each board shall promulgate regulations governing the  
26 volunteer license category. The regulations shall include[:

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

29 (2) Criteria under which a licensee who, having retired  
30 in good standing and allowed the licensee's license to become

1 inactive prior to the effective date of this act, may be  
2 issued a volunteer license.

3 (3) Procedures under which a volunteer license holder  
4 may return to active practice.] qualifications for obtaining  
5 a volunteer license.

6 Section 9. Exemptions.

7 For the purposes of this act, volunteer licensees who are  
8 otherwise subject to the provisions of the act of October 15,  
9 1975 (P.L.390, No.111), known as the Health Care Services  
10 Malpractice Act, shall be exempt from the requirements of that  
11 act with regard to the maintenance of liability insurance  
12 coverage. Volunteer licensees holding a license issued by the  
13 State Board of Chiropractic shall be exempt from the provisions  
14 of section 508 of the act of December 16, 1986 (P.L.1646,  
15 No.188), known as the Chiropractic Practice Act.

16 Section 3. The act is amended by adding sections to read:

17 Section 10.2. Indemnity and defense for active practitioners.

18 A health care practitioner who provides health care services  
19 at an approved clinic without remuneration under an active  
20 nonvolunteer license shall be entitled to indemnity and defense  
21 under the terms of whatever liability insurance coverage is  
22 maintained by the practitioner to comply with the act of October  
23 15, 1975 (P.L.390, No.111), known as the Health Care Services  
24 Malpractice Act. No health care practitioner may be surcharged  
25 or denied coverage because of any claim arising out of care  
26 rendered at an approved clinic.

27 Section 10.3. Optional liability coverage.

28 A holder of a volunteer license who elects to purchase  
29 primary insurance to cover services rendered at an approved  
30 clinic shall not be obligated to purchase excess coverage

1 through the Medical Professional Catastrophe Loss Fund.

2 Section 4. This act shall take effect in 60 days.