
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1483 Session of
2015

INTRODUCED BY KAMPF, THOMAS, MILLARD, HELM, MURT, BOBACK, ROZZI,
BAKER, BARRAR, A. HARRIS, EVERETT, KILLION, COX, ROSS,
F. KELLER, KAUFFMAN, GABLER, WARD, MILNE, BLOOM, WATSON,
ZIMMERMAN, GILLEN, SCHEMEL, GILLESPIE AND FARRY,
AUGUST 10, 2015

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 10, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for civil immunity for volunteer
4 practitioners.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8337.2. Civil immunity for volunteer practitioners.

10 (a) General rule.--A volunteer practitioner shall be immune
11 from civil liability for any act or omission during the course
12 of rendering care, within the scope of practice of the volunteer
13 practitioner which results in death, damage or injury to a
14 patient, if, before services are rendered, the volunteer
15 practitioner provides oral and written notice to the patient or
16 the patient's guardian, if applicable, that:

17 (1) The service is being provided on a volunteer basis

1 and is not being rendered in expectation of compensation.

2 (2) In exchange for such services, the patient
3 relinquishes any and all civil claims for damages against the
4 volunteer practitioner.

5 (b) Vicarious liability.--No vicarious liability shall
6 attach to the employer of a volunteer practitioner.

7 (c) Nonapplicability.--This section shall not apply to an
8 intentional tort.

9 (d) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection unless the context clearly indicates otherwise:

12 "Approved clinic." An organized community-based clinic
13 offering health care services to individuals and families who
14 cannot pay for their care, to medical assistance clients or to
15 residents of medically underserved areas or health professionals
16 shortage areas. The term includes, but shall not be limited to,
17 a State health center, nonprofit community-based clinic and
18 federally qualified health center as designated by Federal
19 rulemaking or as approved by the Department of Health or the
20 Department of Human Services.

21 "Health care practitioner." A person licensed or approved by
22 the Commonwealth to provide health care or professional medical
23 services as a physician, certified registered nurse
24 practitioner, registered nurse, physician assistant, certified
25 nurse midwife or podiatrist.

26 "Volunteer practitioner." A health care practitioner who
27 provides health care services at an approved clinic without
28 remuneration from the approved clinic.

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