

SS SCS SB 129 -- VOLUNTEER HEALTH SERVICES ACT

SPONSOR: Sater (Burlison)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Health Care Policy by a vote of 10 to 0.

This substitute establishes the Volunteer Health Services Act which allows a licensed health care provider to provide volunteer professional health care services for a sponsoring organization. Any person with a suspended or revoked license or who provides services outside the scope of his or her license is not eligible to provide services under the substitute.

Before a health care professional can provide volunteer services, the sponsoring organization must register with the Department of Health and Senior Services and pay a \$50 fee. The registration form and fee must be submitted annually to the department for the administration of these provisions. A sponsoring organization must file a quarterly voluntary services report with the department, keep its records of health care volunteers up to date, and maintain the records for five years following the service rendered by the health care volunteer.

Any health care provider volunteering his or her services must not be liable for any civil damages for any act or omission resulting from the service, unless there was gross deviation from the ordinary standard of care or willful misconduct. "Gross deviation" is defined as the conscious disregard for the safety of others.

Nothing in the Volunteer Health Services Act must require a health care provider or organization providing health care services without charge to register with the department and receive the liability protections under the substitute.

A volunteer cannot receive any form of direct or indirect compensation, benefits, or consideration for his or her health care services. The volunteer must perform services within the scope of his or her professional license, in his or her professional practice area and in compliance with all applicable health care regulations.

A volunteer crisis response team member who participates in a crisis intervention must not be liable for any personal injuries or the emotional distress of any participant to the intervention that is caused by the act or omission of the team member during an intervention, except for circumstances specified in the substitute.

PROPONENTS: Supporters say that many low income people in Missouri

must use free clinics to receive health care services. A health care provider's medical malpractice coverage is very expensive and only covers actions of the provider while he or she is practicing in his or her normal practice. When the provider provides services outside his or her normal practice, including voluntary service, he or she needs additional medical malpractice coverage specific to the additional service. The bill helps to eliminate this problem and allows more medical personnel to volunteer without the excessive medical malpractice costs, as long as the health care provider provides service through a sponsoring organization. The bill is a great tool to help health care providers respond to emergencies throughout the state.

Testifying for the bill were Senator Sater; Missouri Nurses Association; and American Red Cross-Missouri Chapter.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say changing the term "free" to "voluntary" will help free clinics that are now required to accept Medicaid as a condition of its federal grants. Without this change the clinics will not have access to the protections of the bill.

Testifying on the bill was Larry Rohrbach.