

SS SCS SB 129 -- VOLUNTEER HEALTH SERVICES ACT

(Vetoed by the Governor--Overridden by the General Assembly)

This bill 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 certificate or who provides services outside the scope of practice authorized by his or her licensure or certification is not eligible to provide services under the bill.

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 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 listing all providers who provided services during the preceding quarter including the date, place, and type of services provided; maintain a list of its health care volunteers and a copy of their current licenses, certificates, or statements of exemption from licensure or certification; maintain the records for five years following the date of service rendered by the health care volunteer; and furnish the records upon request to any state regulatory board of any healing arts profession. The department may revoke the registration of any sponsoring organization that fails to comply with these requirements.

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 it was the result of the provider's gross deviation from the ordinary standard of care or willful misconduct. "Gross deviation" is defined as a conscious disregard for the safety of others. The provisions of the bill do not 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 bill.

A volunteer cannot receive any form of direct or indirect compensation, benefits, or consideration from any person for the free care, and the free care cannot be a part of the provider's training or assignment. The volunteer must perform services within the scope of his or her professional license, certification, or authority and must not engage in activities on behalf of the sponsoring organization at a clinic or at the volunteer's office unless the activities are authorized by the appropriate authorities and the clinic or office is in compliance with all applicable regulations.

A volunteer crisis response team member who participates in a crisis intervention conducted within specified generally accepted protocols of a registered team must not be liable for any personal injuries or infliction of emotional distress of any participant to the intervention that is caused by the act or omission of the team member during an intervention and for any civil damages for any act or omission resulting from the rendering of the services except for circumstances specified in the bill.