
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1760 Session of
2013

INTRODUCED BY DENLINGER, BAKER, JAMES, SAYLOR, SANKEY, THOMAS,
ROCK, CUTLER, KAUFFMAN, BOBACK, GINGRICH, SWANGER, COHEN,
CLYMER, BARRAR, COX, GILLEN AND BENNINGHOFF, OCTOBER 17, 2013

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 17, 2013

AN ACT

1 Providing for a volunteer health care practitioner
2 certification; and imposing powers and duties on the
3 Department of Health.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Volunteer
8 Health Care Practitioner Act.

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

11 (1) One million residents in this Commonwealth are
12 without health insurance.

13 (2) The Commonwealth provided over \$950 million in
14 uncompensated health care in 2011, up from \$460 million in
15 2001.

16 (3) Hospital emergency rooms are treating many nonurgent
17 medical conditions because patients perceive that they have
18 no other choices.

1 (4) Medicaid expenditures in this Commonwealth now
2 exceed \$7.5 billion per year.

3 (5) Medicaid mandates are placing additional financial
4 burdens on hospitals, physicians and dentists, directly
5 impacting the quality and delivery of health care services.

6 (6) The proposed expansion of Medicaid is causing an
7 impending fiscal crisis.

8 (7) Federal law provides full immunity to physicians and
9 other health care professionals while they volunteer in
10 nonprofit free clinics that treat the poor and charge no fee.

11 (8) Expanding physicians' civil immunity from tort
12 claims in exchange for their ongoing commitments to
13 charitable practice in free clinics can improve low income
14 patients' access to a range of medical options while reducing
15 Medicaid utilization and expenditures.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section, unless the
19 context clearly indicates otherwise:

20 "Department." The Department of Health of the Commonwealth.

21 "Free clinic." A health care facility that is licensed under
22 the act of July 19, 1979 (P.L.130, No.48), known as the Health
23 Care Facilities Act, is operated by a nonprofit private entity
24 and meets all of the following criteria:

25 (1) The facility does not accept reimbursements for
26 health care services from any third-party payer, including
27 reimbursements under any insurance policies or health
28 benefits plans, or under any Federal or State health benefits
29 programs. The facility may accept voluntary donations for the
30 provision of services.

1 (2) The facility does not impose charges on patients or
2 impose a charge according to the patient's ability to pay the
3 charge.

4 (3) The services at the facility are provided by
5 volunteer health care practitioners.

6 "Free clinic offsite program." A program or event operated
7 by a free clinic through which qualifying health services are
8 provided to patients at a site other than the free clinic, which
9 may include a volunteer health care practitioner's customary
10 practice location or another location, as appropriate.

11 "Health care practitioner." An individual authorized to
12 practice a component of the healing arts by a license, permit,
13 certificate or registration issued by a State licensing agency
14 or board under 49 Pa. Code Pt. I Subpt. A (relating to
15 professional and occupational affairs).

16 "Qualifying health services." As defined under section 224
17 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. §
18 233).

19 Section 4. Certification.

20 (a) Application.--The department shall certify an individual
21 as a volunteer health care practitioner if, at the time of
22 application for certification, all of the following apply:

23 (1) The individual is a health care practitioner.

24 (2) The individual provides documentation to the
25 department certifying that the individual is deemed to be an
26 employee of a free clinic providing qualifying health
27 services.

28 (3) The individual and the medical director of the free
29 clinic provide documentation to the department certifying
30 that, prior to the application date and within the calendar

1 quarter of application, the individual has performed at least
2 four hours per week for four consecutive weeks of qualifying
3 health services at the free clinic or free clinic offsite
4 program.

5 (b) Maintenance.--To maintain certification as a volunteer
6 health care practitioner, an individual shall meet all of the
7 following:

8 (1) Continue to meet the criteria under subsection
9 (a)(1) and (2).

10 (2) Provide documentation to the department, on a
11 quarterly basis, certifying that the individual has provided
12 not less than 48 hours per calendar quarter of qualifying
13 health services at a free clinic or a free clinic offsite
14 program. The documentation shall include verification, by the
15 medical director of the free clinic, of the qualifying health
16 services provided.

17 (c) Termination.--The department shall immediately terminate
18 the certification of an individual if the individual fails to
19 meet the requirements under subsection (b).

20 Section 5. Immunity.

21 (a) General rule.--An individual who is certified by the
22 department as a volunteer health care practitioner under this
23 act shall be immune from civil liability for any personal injury
24 to or wrongful death of a patient that is a result of any act or
25 omission in the course of providing care or treatment if the
26 care or treatment was reasonably provided in good faith and if
27 the individual was acting within the scope of his practice.

28 Immunity granted under this section does not apply to an act or
29 omission that was the result of gross negligence or willful or
30 wanton misconduct.

1 (b) Remedy.--The exclusive remedy for injury or damage
2 suffered as a result of any act or omission of a volunteer
3 health care practitioner is by commencement of an action against
4 the Commonwealth in a court of competent jurisdiction.

5 Section 6. Rules and regulations.

6 The department shall adopt rules and regulations to
7 effectuate the purposes of this act.

8 Section 7. Effective date.

9 This act shall take effect in 90 days.