
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 358 Session of
2017

INTRODUCED BY BAKER, PHILLIPS-HILL, PICKETT, COX, MURT,
B. MILLER, WARD, DOWLING, V. BROWN, BOBACK, A. HARRIS,
GABLER, SCHEMEL, EVERETT, READSHAW AND BENNINGHOFF,
FEBRUARY 7, 2017

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 7, 2017

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. Definitions.

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

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

14 "Free clinic." A facility that is operated by a nonprofit
15 private entity and meets all of the following criteria:

16 (1) The facility does not accept reimbursements for
17 health care services from any third-party payer, including

1 reimbursements under any insurance policies or health
2 benefits plans, or under any Federal or State health benefits
3 programs. The facility may accept voluntary donations for the
4 provision of services.

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

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

10 "Free clinic offsite program." A program or event operated
11 by a free clinic through which qualifying health services are
12 provided to patients at a site other than the free clinic
13 through a referral network, which may include a volunteer health
14 care practitioner's customary practice location or another
15 location, as appropriate.

16 "Health care practitioner." As defined in section 103 of the
17 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
18 Facilities Act.

19 "Qualifying health services." As defined under section 224
20 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. §
21 233).

22 Section 3. Certification.

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

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

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

1 (3) The individual and the medical director of the free
2 clinic provide documentation to the department certifying
3 that, prior to the application date and within the calendar
4 quarter of application, the individual has performed at least
5 four hours per week for four consecutive weeks of qualifying
6 health services at the free clinic or free clinic offsite
7 program.

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

11 (1) Continue to meet the criteria under subsection
12 (a) (1) and (2).

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

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

23 Section 4. Immunity.

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

1 practice. Immunity granted under this section does not apply to
2 an act or omission that was the result of gross negligence or
3 willful or wanton misconduct.

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

8 Section 5. Rules and regulations.

9 The department shall adopt rules and regulations to
10 effectuate the purposes of this act.

11 Section 6. Effective date.

12 This act shall take effect in 90 days.