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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 40 Session of  
2015

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INTRODUCED BY BAKER, PICKETT, CUTLER, CAUSER, KILLION, COX,  
SAYLOR, MURT, BENNINGHOFF AND MILNE, MAY 6, 2015

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REFERRED TO COMMITTEE ON HEALTH, MAY 6, 2015

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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  
18 reimbursements under any insurance policies or health

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

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

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

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

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

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

21 Section 3. Certification.

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

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

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

30 (3) The individual and the medical director of the free

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

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

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

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

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

22 Section 4. Immunity.

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

30 Immunity granted under this section does not apply to an act or

1 omission that was the result of gross negligence or willful or  
2 wanton misconduct.

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

7 Section 5. Rules and regulations.

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

10 Section 6. Effective date.

11 This act shall take effect in 90 days.