

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 81

Session of
2013

INTRODUCED BY GREENLEAF, FARNESE, ALLOWAY, BAKER, MENSCH,
TARTAGLIONE, ERICKSON, BREWSTER, WILLIAMS, STACK, FONTANA,
VULAKOVICH, HUGHES, SOLOBAY, FERLO, SCHWANK, YUDICHAK,
RAFFERTY, BROWNE, PILEGGI, WOZNIAK, WAUGH, BRUBAKER AND
DINNIMAN, JANUARY 9, 2013

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, MAY 8, 2013

AN ACT

1 Amending the act of December 4, 1996 (P.L.893, No.141), entitled
2 "An act providing for volunteer health services; limiting
3 liability of a volunteer license holder; and requiring
4 reports," providing for volunteer mental health services for
5 military families; limiting liability of persons who hold
6 volunteer licenses and provide mental health services to
7 military families; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of December 4, 1996 (P.L.893, No.141),
11 known as the Volunteer Health Services Act, is amended by adding
12 a chapter heading to read:

13 CHAPTER 1

14 PRELIMINARY PROVISIONS

15 Section 2. Section 1 of the act is renumbered to read:

16 Section [1] 101. Short title.

17 This act shall be known and may be cited as the Volunteer
18 Health Services Act.

Section 3. Section 2 of the act is renumbered and amended to read:

Section [2] 102. Purpose.

It is the purpose of this act to [increase]:

(1) Increase the availability of primary health care services by establishing a procedure through which physicians and other health care practitioners who are retired from active practice may provide professional services as a volunteer in approved clinics serving financially qualified persons and in approved clinics located in medically underserved areas or health professionals shortage areas.

(2) Increase the availability of mental health services by establishing a procedure through which physicians and other health care practitioners who are retired from active practice may provide mental health services WITHIN THEIR SCOPE OF PRACTICE as a volunteer to United States military personnel and their families whether inside or outside a clinic setting.

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Section 4. The act is amended by adding a chapter heading to read:

CHAPTER 3

PRIMARY HEALTH SERVICES AT APPROVED CLINICS

Section 5. Sections 3 and 4 of the act, amended June 19, 2002 (P.L.406, No.58), are renumbered and amended to read:

Section [3] 301. Definitions.

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

"Approved clinic." An organized community-based clinic offering primary health care services to individuals and

1 families who cannot pay for their care, to medical assistance
2 clients or to residents of medically underserved areas or health
3 professionals shortage areas. The term may include, but shall
4 not be limited to, a State health center, nonprofit community-
5 based clinic and federally qualified health center, as
6 designated by Federal rulemaking or as approved by the
7 Department of Health or the Department of Public Welfare.

8 "Board." The State Board of Medicine, the State Board of
9 Osteopathic Medicine, the State Board of Dentistry, the State
10 Board of Podiatry, the State Board of Nursing, the State Board
11 of Optometry and the State Board of Chiropractic.

12 "Health care practitioner." An individual licensed to
13 practice a component of the healing arts by a licensing board
14 within the Department of State.

15 "Licensee." An individual who holds a current, active,
16 unrestricted license as a health care practitioner issued by the
17 appropriate board.

18 "Primary health care services." The term includes, but is
19 not limited to, regular checkups, immunizations, school
20 physicals, health education, prenatal and obstetrical care,
21 early periodic screening and diagnostic testing and health
22 education.

23 "Volunteer license." A license issued by the appropriate
24 board to a health care practitioner who documents, to the
25 board's satisfaction, that the individual will practice only in
26 approved clinics without remuneration, who is:

27 (1) a retired health care practitioner; or

28 (2) a nonretired health care practitioner who is not
29 required to maintain professional liability insurance under
30 [the act of October 15, 1975 (P.L.390, No.111), known as the

1 Health Care Services Malpractice Act, or] the act of March
2 20, 2002 (P.L.154, No.13), known as the Medical Care
3 Availability and Reduction of Error (Mcare) Act, because the
4 health care practitioner is not otherwise practicing medicine
5 or providing health care services in this Commonwealth.

6 Section [4] 302. Volunteer status.

7 A licensee in good standing who retires from active practice
8 or a nonretired licensee who does not otherwise currently
9 practice or provide health care services in this Commonwealth
10 and is not required to maintain professional liability insurance
11 under [the act of October 15, 1975 (P.L.390, No.111), known as
12 the Health Care Services Malpractice Act, or] the act of March
13 20, 2002 (P.L.154, No.13), known as the Medical Care
14 Availability and Reduction of Error (Mcare) Act, may apply, on
15 forms provided by the appropriate board, for a volunteer
16 license.

17 Section 6. Section 5 of the act, amended June 19, 2002
18 (P.L.406, No.58), is renumbered to read:

19 Section [5] 303. Regulations.

20 Each board shall promulgate regulations governing the
21 volunteer license category. The regulations shall include
22 qualifications for obtaining a volunteer license.

23 Section 7. Section 6 of the act, amended July 8, 2007
24 (P.L.91, No.29), is renumbered and amended to read:

25 Section [6] 304. License renewal; disciplinary and corrective
26 measures.

27 (a) Renewal term.--A volunteer license shall be subject to
28 biennial renewal.

29 (b) Fee exemption.--[Holders of] Persons who hold volunteer
30 licenses shall be exempt from renewal fees imposed by the

1 appropriate licensing board.

2 (c) Continuing education.--Except as set forth in subsection

3 (d), [holders of] persons who hold volunteer licenses shall

4 comply with any continuing education requirements imposed by

5 board rulemaking as a general condition of biennial renewal.

6 (d) Physicians.--

7 (1) [Holders of] Persons who hold volunteer licenses

8 [who] and are physicians shall complete a minimum of 20

9 credit hours of American Medical Association Physician's

10 Recognition Award Category 2 activities during the preceding

11 biennial period as a condition of biennial renewal and are

12 otherwise exempt from any continuing education requirement

13 imposed by section 910 of the act of March 20, 2002 (P.L.154,

14 No.13), known as the Medical Care Availability and Reduction

15 of Error (Mcare) Act, or by board rulemaking.

16 (2) Physicians who are covered by section [10.2] 310 and

17 hold an unrestricted license to practice medicine shall

18 complete the continuing medical education requirements

19 established by the boards under section 910 of the Medical

20 Care Availability and Reduction of Error (Mcare) Act to be

21 eligible for renewal of the unrestricted license.

22 (e) Disciplinary matters.--In the enforcement of

23 disciplinary matters, [holders of] persons who hold volunteer

24 licenses shall be subject to those standards of conduct

25 applicable to all licensees licensed by the appropriate board.

26 Section 8. Section 7 of the act is renumbered and amended to

27 read:

28 Section [7] 305. Liability.

29 (a) General rule.--A [holder of] person who holds a

30 volunteer license [who] and, in good faith, renders professional

1 health care services under this act shall not be liable for
2 civil damages arising as a result of any act or omission in the
3 rendering of care unless the conduct of the [volunteer licensee]
4 person falls substantially below professional standards which
5 are generally practiced and accepted in the community and unless
6 it is shown that the [volunteer licensee] person did an act or
7 omitted the doing of an act which the person was under a
8 recognized duty to a patient to do, knowing or having reason to
9 know that the act or omission created a substantial risk of
10 actual harm to the patient.

11 (b) Application.--This section shall not apply unless the
12 approved clinic posts in a conspicuous place on its premises an
13 explanation of the exemptions from civil liability provided
14 under subsection (a). The protections provided by this section
15 shall not apply to institutional health care providers, such as
16 hospitals or approved clinics, subject to vicarious liability
17 for the conduct of a volunteer license holder. The liability of
18 such institutional defendants shall be governed by the standard
19 of care established by common law.

20 Section 9. Section 8 of the act is renumbered to read:
21 Section [8] 306. Report.

22 Beginning 30 days after the effective date of this act and
23 every 30 days thereafter until such regulations are in effect,
24 the chairmen of the appropriate boards shall report in writing
25 to the Commissioner of Professional and Occupational Affairs on
26 the status of the volunteer license regulations, who shall
27 convey the required reports to the standing committees on
28 Consumer Protection and Professional Licensure and Public Health
29 and Welfare of the Senate and the standing committees on
30 Professional Licensure and Health and Human Services of the

1 House of Representatives.

2 Section 10. Section 9 of the act, amended June 19, 2002
3 (P.L.406, No.58), is renumbered and amended to read:

4 Section [9] 307. Exemptions.

5 For the purposes of this [act, volunteer licensees who]
6 chapter, persons who hold volunteer licenses and are otherwise
7 subject to the provisions of [the act of October 15, 1975
8 (P.L.390, No.111), known as the Health Care Services Malpractice
9 Act, or] the act of March 20, 2002 (P.L.154, No.13), known as
10 the Medical Care Availability and Reduction of Error (Mcare)
11 Act, shall be exempt from the requirements of that act with
12 regard to the maintenance of liability insurance coverage.
13 [Volunteer licensees holding] If the persons hold a license
14 issued by the State Board of Chiropractic, the persons shall be
15 exempt from the provisions of section 508 of the act of December
16 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice
17 Act.

18 Section 11. Section 10 of the act is renumbered and amended
19 to read:

20 Section [10] 308. State health centers.

21 [Services] Primary health care services of [volunteers] a
22 person who holds a volunteer license shall not be substituted
23 for those of Commonwealth employees.

24 Section 12. Section 10.1 of the act, added October 18, 2000
25 (P.L.599, No.76), is renumbered and amended to read:

26 Section [10.1] 309. Prescription of medication for family
27 members.

28 (a) General rule.--A [holder of] person who holds a
29 volunteer license [who] and was able to prescribe medication
30 pursuant to the laws of this Commonwealth while a licensee may

1 prescribe medication to any member of [his] the person's family
2 notwithstanding the family member's ability to pay for that
3 member's own care or whether that member is being treated at an
4 approved clinic.

5 (b) Liability.--The liability provisions of section [7(a)]
6 305(a) shall apply to a [holder of] person who holds a volunteer
7 license [who] and prescribes medication to a family member
8 pursuant to this section, whether or not the provisions of
9 section [7(b)] 305(b) have been followed.

10 (c) Construction.--Nothing in this section shall be
11 construed to allow a person who holds a volunteer license
12 [holder] to prescribe medication of a type or in a manner
13 prohibited by the laws of this Commonwealth.

14 (d) Definition.--As used in this section, the term "family
15 member" means a volunteer license holder's spouse, child,
16 daughter-in-law, son-in-law, mother, father, sibling, mother-in-
17 law, father-in-law, sister-in-law, brother-in-law, grandparent,
18 grandchild, niece, nephew or cousin.

19 Section 13. Sections 10.2 and 10.3 of the act, added June
20 19, 2002 (P.L.406, No.58), are renumbered and amended to read:
21 Section [10.2] 310. Indemnity and defense for active
22 practitioners.

23 A health care practitioner who provides health care services
24 at an approved clinic without remuneration under an active
25 nonvolunteer license shall be entitled to indemnity and defense
26 under the terms of whatever liability insurance coverage is
27 maintained by or provided to the practitioner to comply with
28 [the act of October 15, 1975 (P.L.390, No.111), known as the
29 Health Care Services Malpractice Act, or] the act of March 20,
30 2002 (P.L.154, No.13), known as the Medical Care Availability

1 and Reduction of Error (Mcare) Act, in the scope of their
2 regular practice. No health care practitioner may be surcharged
3 or denied coverage for rendering services at an approved clinic.
4 Nothing set forth in this section shall limit a carrier's right
5 to refuse coverage or to adjust premiums on the basis of
6 meritorious claims against the practitioner.

7 Section [10.3] 311. Optional liability coverage.

8 A [holder of] person who holds a volunteer license, or an
9 approved clinic acting on behalf of [a volunteer licensee, who]
10 such person, and elects to purchase primary insurance to cover
11 services rendered at an approved clinic shall not be obligated
12 to purchase excess coverage through the Medical Professional
13 Catastrophe Loss Fund or the Medical Care Availability and
14 Reduction of Error (Mcare) Fund.

15 Section 14. The act is amended by adding a chapter to read:

16 CHAPTER 5

17 MENTAL HEALTH SERVICES FOR

18 MILITARY FAMILIES

19 Section 501. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Approved organization." A nonprofit organization as defined
24 under section 501(c)(3) of the Internal Revenue Code of 1986
25 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to
26 refer United States military personnel and their families,
27 regardless of income and who are in need of mental health
28 services, to licensed volunteers who provide mental health
29 services, whether the mental health services are provided inside
30 or outside a clinic setting AND WHICH ORGANIZATION IS APPROVED <--

1 BY THE DEPARTMENT UNDER SECTION 502.

2 "Board." The State Board of Medicine, the State Board of
3 Osteopathic Medicine, the State Board of Psychology and, the <--
4 State Board of Social Workers, Marriage and Family Therapists
5 and Professional Counselors. AND THE STATE BOARD OF NURSING. <--

6 "DEPARTMENT." THE DEPARTMENT OF MILITARY AND VETERANS
7 AFFAIRS OF THE COMMONWEALTH.

8 "FAMILIES OF MILITARY PERSONNEL." THE DEPENDENT SPOUSES OR
9 DEPENDENT CHILDREN OF MILITARY PERSONNEL OR THE PARENTS OR
10 SIBLINGS OF MILITARY PERSONNEL.

11 "Licensee." An individual who holds a current, active,
12 unrestricted license to provide mental health services WITHIN <--
13 THE INDIVIDUAL'S SCOPE OF PRACTICE IN THIS COMMONWEALTH by the
14 appropriate board.

15 "Mental health services." The term includes, but is not
16 limited to, PROVIDING SOCIAL WORK, marital and family therapy, <--
17 substance abuse counseling and treatment for post-traumatic <--
18 stress disorder and traumatic brain injury.

19 "Mental health volunteer license." A license issued by the
20 appropriate board to a health care practitioner LICENSEE who <--
21 documents, to the board's satisfaction, that the individual will
22 practice only upon referral from approved organizations without
23 remuneration, who is:

24 (1) a retired health care practitioner LICENSEE; or <--

25 (2) a nonretired health care practitioner LICENSEE who <--

26 is not required to maintain professional liability insurance
27 under the act of March 20, 2002 (P.L.154, No.13), known as
28 the Medical Care Availability and Reduction of Error (Mcare)
29 Act, because the health care practitioner LICENSEE is not <--
30 otherwise practicing medicine or providing mental health <--

services in this Commonwealth.; OR

(3) A NONRETIRED LICENSEE WHO IS NOT WORKING WITHIN THE
LICENSEE'S SCOPE OF PRACTICE AT THE PRESENT TIME.

"MILITARY PERSONNEL." A MEMBER OR MEMBERS OF THE ARMED
FORCES OF THE UNITED STATES OR ITS RESERVE COMPONENTS, INCLUDING
THE PENNSYLVANIA NATIONAL GUARD, SERVING ON ACTIVE DUTY, OTHER
THAN ACTIVE DUTY FOR TRAINING, FOR A PERIOD OF 30 OR MORE
CONSECUTIVE DAYS. THE TERM INCLUDES A FORMER MEMBER OR MEMBERS
OF THE ARMED FORCES OF THE UNITED STATES OR ITS RESERVE
COMPONENTS, INCLUDING THE PENNSYLVANIA NATIONAL GUARD, PROVIDED
THAT A VETERAN WHO WAS DISCHARGED OR RELEASED FROM SUCH SERVICE
UNDER HONORABLE CONDITIONS SHALL BE ACCORDED PRIORITY IN
RECEIVING MENTAL HEALTH SERVICES UNDER THIS CHAPTER.

SECTION 502. APPROVED ORGANIZATION PROCEDURE.

(A) SUBMISSION OF APPLICATION.--ANY 501(C)(3) NONPROFIT
ORGANIZATION WHOSE PURPOSE IS TO REFER UNITED STATES MILITARY
PERSONNEL AND THEIR FAMILIES TO LICENSED VOLUNTEERS WHO PROVIDE
MENTAL HEALTH SERVICES WITHOUT REMUNERATION MAY SUBMIT AN
APPLICATION TO THE DEPARTMENT.

(B) CONTENTS OF INFORMATION.--AN APPLICATION SUBMITTED UNDER
SUBSECTION (A) SHALL CONTAIN:

(1) THE NAME AND ADDRESS OF THE ORGANIZATION AND A COPY
OF ITS CORPORATE FILING.

(2) THE CHARITABLE PURPOSE FOR WHICH IT IS OPERATING IN
THIS COMMONWEALTH.

(3) THE LATEST FILING WITH THE DEPARTMENT OF STATE.

(4) THE LEVEL OF INSURANCE OBTAINED BY THE ORGANIZATION
FOR ITS ACTIVITIES.

(5) THE LOCATION, HOURS, FACILITIES AND STAFF WHO WILL
OVERSEE THE VOLUNTEER EFFORT.

1 (6) THE CONFIRMATION OF TAX-EXEMPT STATUS OF THE
2 ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
3 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3))
4 ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE.

5 (7) THE MOST RECENT FEDERAL TAX RETURN (IRS FORM 990,
6 990EZ OR 990N) FILED BY THE ORGANIZATION.

7 (8) ANY OTHER INFORMATION THE DEPARTMENT, OR ANY
8 COMMONWEALTH AGENCY CONSULTED BY THE DEPARTMENT, DEEMS
9 NECESSARY.

10 (C) REVIEW OF APPLICATION.--THE DEPARTMENT SHALL REVIEW
11 THE INFORMATION PROVIDED ON THE APPLICATION AND, AFTER
12 COORDINATION WITH THE DEPARTMENT OF STATE AND ANY OTHER
13 COMMONWEALTH AGENCY THE DEPARTMENT DEEMS APPROPRIATE, MAY
14 APPROVE OR DISAPPROVE THAT ORGANIZATION FOR SPONSORING
15 PERSONS WHO HOLD MENTAL HEALTH VOLUNTEER LICENSES AS PROVIDED
16 UNDER THIS ACT. THE DEPARTMENT SHALL PROVIDE THE APPROPRIATE
17 LICENSING BOARD WITH THE INFORMATION AND A LIST OF APPROVED
18 ORGANIZATIONS PURSUANT TO THIS SECTION.

19 Section 502 503. Volunteer status.

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20 A licensee in good standing who retires from active practice
21 or a nonretired licensee who does not otherwise currently
22 practice in this Commonwealth and is not required to maintain
23 professional liability insurance under the act of March 20, 2002
24 (P.L.154, No.13), known as the Medical Care Availability and
25 Reduction of Error (Mcare) Act, may apply, on forms provided by
26 the appropriate board, for a mental health volunteer license.

27 Section 503. Regulations.

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28 Each board shall promulgate regulations governing the mental
29 health volunteer license category. The regulations shall include
30 qualifications for obtaining a mental health volunteer license.

1 SECTION 504. PUBLICATION.

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2 THE COMMISSIONER OF THE BUREAU OF PROFESSIONAL AND
3 OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE SHALL PUBLISH AN
4 APPLICATION FORM AND NOTICE IN THE PENNSYLVANIA BULLETIN
5 REGARDING A MENTAL HEALTH VOLUNTEER LICENSE AND CONTINUING
6 EDUCATION REQUIREMENTS.

7 Section 504 505. License renewal; disciplinary and corrective
8 measures.

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9 (a) Renewal term.--A mental health volunteer license shall
10 be subject to biennial renewal.

11 (b) Fee exemption.--Persons who hold mental health volunteer
12 licenses shall be exempt from renewal fees imposed by the
13 appropriate licensing board.

14 (c) Continuing education.--Except as set forth in subsection

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15 (d), persons PERSONS who hold mental health volunteer licenses
16 shall comply with any continuing education requirements imposed
17 by A board rulemaking THROUGH SECTION 504 as a general condition
18 of biennial renewal.

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19 (d) Physicians.--

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20 (1) Persons who hold mental health volunteer licenses
21 and are physicians shall complete a minimum of 20 credit
22 hours of American Medical Association Physician's Recognition
23 Award Category 2 activities during the preceding biennial
24 period as a condition of biennial renewal and are otherwise
25 exempt from any continuing education requirement imposed by
26 section 910 of the act of March 20, 2002 (P.L.154, No.13),
27 known as the Medical Care Availability and Reduction of Error
28 (Mcare) Act, or by board rulemaking.

29 (2) Physicians who are covered by section 510 and hold
30 an unrestricted license to practice medicine shall complete

~~the continuing medical education requirements established by
the boards under section 910 of the Medical Care Availability
and Reduction of Error (Mcare) Act to be eligible for renewal
of the unrestricted license.~~

~~(e)~~ (D) Disciplinary matters.--In the enforcement of
disciplinary matters, persons who hold mental health volunteer
licenses shall be subject to those standards of conduct
applicable to all licensees licensed by the appropriate board.
Section ~~505~~ 506. Liability.

(a) General rule.--A person who holds a mental health
volunteer license and, in good faith, renders professional
mental health services under this chapter shall not be liable
for civil damages arising as a result of any act or omission in
the rendering of care unless the conduct of the person falls
substantially below professional standards which are generally
practiced and accepted in the community and unless it is shown
that the person did an act or omitted the doing of an act which
the person was under a recognized duty to a patient to do,
knowing or having reason to know that the act or omission
created a substantial risk of actual harm to the patient.

(b) Application.--This section shall not apply unless the
person posts in a conspicuous place on the person's premises an
explanation of the exemptions from civil liability provided
under subsection (a). The protections provided by this section
shall not apply to institutional health care providers, such as
hospitals or approved clinics, subject to vicarious liability
for the conduct of a volunteer license holder. The liability of
such institutional defendants shall be governed by the standard
of care established by common law.

~~Section 506. Report.~~

~~Beginning 30 days after the effective date of this chapter and every 30 days thereafter until such regulations applicable to this chapter are in effect, the chairmen of the appropriate boards shall report in writing to the Commissioner of Professional and Occupational Affairs on the status of the mental health volunteer license regulations who shall convey the required reports to the standing committees on Consumer Protection and Professional Licensure and Public Health and Welfare of the Senate and the standing committees on Professional Licensure, Health and Human Services of the House of Representatives.~~

Section 507. Exemptions.

For the purposes of this chapter, persons who hold a mental health volunteer license and are otherwise subject to the provisions of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, shall be exempt from the requirements of that act with regard to the maintenance of liability insurance coverage. If the persons hold a license issued by the State Board of Chiropractic, the persons shall be exempt from the provisions of section 508 of the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

Section 508. State health centers.

~~Mental health services of persons who hold a mental health volunteer license shall not be substituted for those of Commonwealth employees.~~

Section 509 508. Prescription of medication for family members.

(a) General rule.--A person who holds a mental health volunteer license and was able to prescribe medication pursuant to the laws of this Commonwealth while a licensee may prescribe

medication to any member of the person's family notwithstanding the family member's ability to pay for that member's own care or whether that member is being treated at an approved provider.

(b) Liability.--The liability provisions of section 505(a) shall apply to a person who holds a mental health volunteer license and prescribes medication to a family member pursuant to this section, whether or not the provisions of section 505(b) have been followed.

(c) Construction.--Nothing in this section shall be construed to allow a person who holds a mental health volunteer license to prescribe medication of a type or in a manner prohibited by the laws of this Commonwealth OR TO PRACTICE OUTSIDE THE PERSON'S SCOPE OF PRACTICE.

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(d) Definition.--As used in this section, the term "family member" means a volunteer license holder's spouse, child, daughter-in-law, son-in-law, mother, father, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandchild, niece, nephew or cousin.

~~Section 510~~ 509. Indemnity and defense for active practitioners.

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A health care practitioner who provides mental health services upon the referral of an approved organization without remuneration under an active nonvolunteer license shall be entitled to indemnity and defense under the terms of whatever liability insurance coverage is maintained by or provided to the practitioner to comply with the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in the scope of their regular practice. No health care practitioner may be surcharged or denied coverage for rendering mental health services upon the referral of an

1 approved organization. Nothing set forth in this section shall
2 limit a carrier's right to refuse coverage or to adjust premiums
3 on the basis of meritorious claims against the practitioner.

4 Section ~~511~~ 510. Optional liability coverage.

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5 A person who holds a mental health volunteer license or an
6 approved organization and elects to purchase primary insurance
7 to cover mental health services rendered upon referral of the
8 approved organization shall not be obligated to purchase excess
9 coverage through the Medical Professional Catastrophe Loss Fund
10 or the Medical Care Availability and Reduction of Error (Mcare)
11 Fund.

12 Section 15. The act is amended by adding a chapter heading
13 to read:

14 CHAPTER 7

15 MISCELLANEOUS PROVISIONS

16 Section 16. The act is amended by adding a section to read:
17 Section 701. (Reserved).

18 Section 17. Section 11 of the act is renumbered to read:
19 Section [11] 702. Effective date.

20 This act shall take effect in 60 days.

21 Section 18. This act shall take effect in 60 days.