

HCS HB 1072 -- Volunteer Health Services Act

SPONSOR: Sater

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 11 to 0.

This substitute establishes the Volunteer Health Services Act. In its main provisions, the substitute:

(1) Allows for no additional license or certificate for a licensed health care practitioner who, without compensation, voluntarily renders health care services if those services are within his or her scope of practice;

(2) Requires the sponsoring organization to register with the Department of Health and Senior Services and pay a \$50 fee. The registration fee is waived for any organization providing services in cases of natural or manmade disasters;

(3) Requires the sponsoring organization to file a quarterly report with the department which lists all licensed health care providers who provided voluntary services during the preceding quarter and to maintain records for five years following the date of service which include the date, place, and type of services. The department may revoke the registration of any organization that fails to comply with these requirements;

(4) Exempts a volunteer health care provider from civil liability for any act or omission resulting in the rendering of the services if the act or omission is not a result of a person's gross negligence or willful misconduct;

(5) Prohibits a volunteer health care professional from receiving any type of compensation, benefit, or consideration and prohibits him or her from engaging in activities at a clinic or at his or her office unless those activities are authorized by the appropriate authority;

(6) Specifies that an active duty military medical officer or dentist working at a military hospital or medical facility is to be deemed to be licensed; and

(7) Exempts specified volunteer crisis response team members from tort liability under certain circumstances.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that physicians often do not provide

volunteer services because of the fear of litigation. Safeguards for sponsoring organizations are needed to protect volunteering physicians from paying outrageous malpractice insurance premiums. If a situation occurs that falls outside the provisions of the bill, the health care volunteer would be liable and not the sponsoring organization.

Testifying for the bill were Representative Sater; Missouri Nurses Association; and American Red Cross-Missouri Chapter.

OPPONENTS: Those who oppose the bill say that the bill does not identify any standard of care for the health care providers to follow and that could open up the door for any provider to not be required to follow any standard of care, even when not operating as a volunteer. The bill does not establish a level threshold of liability for a volunteer health services provider. The term "gross negligence" is not defined in statute and renders the phrase meaningless; however, if you remove the term, the bill would give absolute immunity to any provider in the state. The bill is duplicative and incompatible to Section 44.045 which addresses when a health care professional can be deployed during a state of emergency, immunity from liability, and the permitted release of certain confidential information.

Testifying against the bill was Missouri Association of Trial Attorneys.