

HOUSE BILL 967

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 7, Part 1, relative to limiting liability for
nurses who perform voluntary care in free clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by
adding the following as a new section thereto:

§ 63-7-127.

(a)

(1) No person who is licensed, certified or authorized by the board of nursing as a registered nurse, practical nurse, nurse practitioner, or advanced practice nurse, as enumerated in this part, and who renders, at any site, any health care services within the limits of the person's license, certification or authorization, voluntarily and without compensation, to any sponsoring organization as defined by § 63-6-703, or to any patient of any clinic that is organized in whole or in part for the delivery of health care services without charge, shall be liable for any civil damages for any act or omission resulting from the rendering of such services, unless the act or omission was the result of such person's gross negligence or willful misconduct.

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from anyone for the free care. Nor shall such services be part of the provider's training or assignment.

(3) The volunteer licensee must be acting within the scope of such license, certification or authority.

(4) No nursing licensee providing free health care may engage in activities at a clinic that the clinic itself is not authorized to perform by the appropriate authorities and must be in compliance with all applicable rules and regulations. Nor may the clinic or sponsoring organization charge for or receive any compensation in any form for services performed at the clinic.

(b) For purposes of this section, any commissioned, enlisted, or contract medical personnel serving on active duty in the United States armed forces and assigned to duty as a practicing, commissioned, enlisted, or contract registered nurse, practical nurse, nurse practitioner, or advanced practice nurse at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed pursuant to this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.