

Filed for intro on 02/02/95
House Bill _____
By

Senate No. SB1436
By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6,
to enact the Volunteer Health Care Services Act.

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

SECTION 1.

(a) Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 1(b) through 6 of this act as a new, appropriately designated part.

(b) This act shall be known and may be cited as the "Volunteer Health Care Services Act".

SECTION 2.

(a) The general assembly finds that:

- (1) access to high quality health care services is a concern of all persons;
- (2) access to such services is severely limited for some residents of this state, particularly those who reside in remote, rural areas or in the inner city;
- (3) physicians and other health care professionals have traditionally worked to assure broad access to health care services; and

(4) many health care providers from Tennessee and elsewhere are willing to volunteer their services to address the health care needs of Tennesseans who may otherwise not be able to obtain such services.

(b) The general assembly further finds that it is the public policy of this state to encourage and facilitate voluntary provision of health care services.

SECTION 3. As used in this act, unless the context otherwise requires:

(a) "Health care provider" means any physician, surgeon, dentist, nurse, optometrist, or other practitioner of a health care discipline the professional practice of which requires licensure or certification under the provisions of Tennessee Code Annotated, Title 63, or under a comparable provision of law of another state, territory, district or possession of the United States.

(b) "Licensed health care provider" means any health care provider holding a current license or certificate issued under:

(1) Tennessee Code Annotated, Title 63, or

(2) a comparable provision of the law of another state, territory, district or possession of the United States.

(c) "Voluntary provision of health care services" means providing the professional services of a health care provider, in association with a sponsoring organization, without charge to the recipient of such services or to a third party on behalf of a recipient.

(d) "Regularly practice" means to practice for more than sixty (60) days within any ninety (90) day period.

(e) "Sponsoring organization" means any organization that organizes or arranges for the voluntary provision of health care services and which registers with the department of health as a sponsoring organization in accordance with Section 6 of this act.

SECTION 4.

(a) Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of Tennessee Code Annotated, Title 63, shall be necessary for the voluntary provision of health care services by any person who:

(1) is a duly licensed health care provider, as defined under section 3(b) of this act; or

(2) lawfully practices under an exception to the licensure or certification requirements of any state, territory, district or possession of the United States; provided, that the person does not and will not regularly practice in the state of Tennessee.

(b) The provisions of subsection (a) shall not apply to any person whose license or certificate is suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. Furthermore, the provisions of subsection (a) shall not apply to a licensed health care provider who renders services outside the scope of practice authorized by his or her licensure, certification, or exception to such licensure or certification.

SECTION 5. With regard to a person who voluntarily provides health care services and who is covered by the provisions of Section 4(a), the prohibitions expressed in Tennessee Code Annotated, Section 63-6-202, relative to itinerant physicians, shall not apply and all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

SECTION 6.

(a) Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health by submitting a registration fee of fifty dollars (\$50.00) and filing a registration form that shall contain:

(i) the name of the sponsoring organization;

(ii) name of principal individual or individuals who are the officers or organizational officials responsible for the operation of the sponsoring organization;

(iii) the address, including street, city, zip code and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in (ii) above;

(iv) telephone numbers for the principal office of the sponsoring agency and each principal or official listed in (ii) above; and

(v) such additional information as the department shall require.

Upon any change in the information required under this subsection 6(a), the sponsoring organization shall notify the department in writing of such change within thirty (30) days of its occurrence.

(b) Within fifteen (15) days of any voluntary provision of health care services by a sponsoring organization registered under subsection 6(a), the sponsoring organization shall file with the department a voluntary services report which shall contain the date, place, type and general description of services provided, together with a listing of all licensed health care providers who participated in the provision of such health care services.

(c) Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health services. For each such health care provider, the organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification and shall further require each health care provider to attest in writing that his or her license or certificate is not suspended or revoked pursuant to disciplinary proceedings in any jurisdiction.

(d) The sponsoring organization shall maintain such records for a period of at least five (5) years following the provision of health care services and shall furnish such

records upon request to any regulatory board established under Tennessee Code Annotated, Title 63.

(e) Compliance with subsections (a) and (b) shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

SECTION 7. The department may revoke the registration of any sponsoring organization who fails to comply with the requirements of Section 6 of this act. Any such revocation shall be conducted in accordance with the Uniform Administrative Procedures Act.

SECTION 8. No contract of professional liability insurance covering a health care provider in this state, issued or renewed on or after the effective date of this act, shall exclude coverage to any provider who engages in the voluntary provision of health care services, provided the sponsoring organization and the health care provider comply with the requirements of this act.

SECTION 9. This act shall take effect on becoming a law, the public welfare requiring it.

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