

1 ENGROSSED SENATE  
2 BILL NO. 353

By: Rice of the Senate

3 and

4 Cox of the House

5  
6  
7 [ public health and safety - Volunteer Health Care

8 Services Act - codification -

9 effective date ]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 684.21 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Volunteer  
16 Health Care Services Act".

17 SECTION 2. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 684.22 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 As used in the Volunteer Health Care Services Act:

21 1. "Health care provider" means any physician, surgeon,  
22 dentist, optometrist, or other practitioner of a health care  
23 discipline, the professional practice of which requires licensure or

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1 certification under the laws of this state or another state,  
2 territory, district or possession of the United States;

3 2. "Licensed health care provider" means any health care  
4 provider holding a current license or certificate issued under the  
5 laws of this state or another state, territory, district or  
6 possession of the United States;

7 3. "Regularly practice" means to practice for more than sixty  
8 (60) days within any ninety (90) days period;

9 4. "Sponsoring organization" means any organization that  
10 organizes or arranges for the voluntary provision of health care  
11 services and that registers with the State Department of Health as a  
12 sponsoring organization under the provisions of Section 4 of this  
13 act; and

14 5. "Voluntary provision of health care services" means  
15 providing the professional services of a health care provider, in  
16 association with a sponsoring organization, without charge to the  
17 recipient of such services or to a third party on behalf of  
18 recipient.

19 SECTION 3. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 684.23 of Title 63, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. Notwithstanding any other provision of law, no additional  
23 license or certificate otherwise required under the laws of this  
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1 state shall be necessary for the voluntary provision of health care  
2 services pursuant to this act by any person who:

3 1. Is a duly licensed health care provider;

4 2. Lawfully practices under an exception to the licensure or  
5 certification requirements of any state, territory, district or  
6 possession of the United States; provided, that the person does not  
7 and shall not regularly practice in this state;

8 B. The provisions of subsection A shall not apply to any person  
9 whose license or certificate is suspended or revoked pursuant to  
10 disciplinary proceedings in any jurisdiction. The provisions of  
11 subsection A shall not apply to a licensed health care provider who  
12 renders services outside the scope of practice authorized by the  
13 provider's licensure, certification, or exception to such licensure  
14 or certification.

15 SECTION 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 684.24 of Title 63, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Before providing volunteer medical services in this state  
19 pursuant to the provisions of this act, a sponsoring organization  
20 shall register with the State Department of Health by submitting a  
21 registration fee of Fifty Dollars (\$50.00) and filing a registration  
22 form. The registration fee shall not apply to any sponsoring  
23 organization when providing volunteer health care services in cases  
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1 of natural or manmade disasters pursuant to any other provisions of  
2 law. Such registration form shall contain:

3 1. The name of the sponsoring organization;

4 2. The name of the principal individual or individuals who are  
5 the officers or organizational officials responsible for the  
6 operation of the sponsoring organization;

7 3. The address, including street, city, zip code and county of  
8 the sponsoring organization's principal office and the same address  
9 information for each principal or official listed pursuant to  
10 paragraph 2 of this subsection;

11 4. Telephone numbers for the principal office of the sponsoring  
12 agency and each principal or official listed pursuant to paragraph 2  
13 of this subsection; and

14 5. Such additional information as the Department shall require.

15 B. Upon any change in the information required in subsection A,  
16 the sponsoring organization shall notify the Department in writing  
17 of such change within thirty (30) days of its occurrence.

18 C. The sponsoring organization shall file a quarterly voluntary  
19 services report with the Department during the current quarter that  
20 lists all licensed health care providers who provided voluntary  
21 health care services during the preceding quarter. The sponsoring  
22 organization shall maintain on file for five (5) years following the  
23 date of service additional information, including the date, place  
24 and type of services provided.

1 D. Each sponsoring organization shall maintain a list of health  
2 care providers associated with its provision of voluntary health  
3 services. For each health care provider, the organization shall  
4 maintain a copy of a current license, certificate, or statement of  
5 exemption from licensure or certification, or in the event that the  
6 health care provider is currently licensed in this state, a copy of  
7 the health care provider's license verification obtained from the  
8 appropriate state licensing entity.

9 E. The sponsoring organization shall maintain such records for  
10 a period of at least five (5) years following the provision of  
11 health care services and shall furnish such records upon request to  
12 any state health or health care provider regulatory board.

13 F. Compliance with subsections A, B and C shall be prima facie  
14 evidence that the sponsoring organization has exercised due care in  
15 its selection of health care providers.

16 G. The Department may revoke the registration of any sponsoring  
17 organization that fails to comply with the requirements of this  
18 section. Any such revocation shall be conducted in accordance with  
19 the Administrative Procedures Act.

20 SECTION 5. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 684.25 of Title 63, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. 1. No licensed health care provider who renders, at any  
24 site, any health care services pursuant to this act within the

1 limits of the person's license, certification or authorization,  
2 voluntarily and without compensation, to any sponsoring organization  
3 or to any patient of any clinic that is organized in whole or in  
4 part for the delivery of health care services without charge, shall  
5 be liable for any civil damages for any act or omission resulting  
6 from the rendering of such services, unless the act or omission was  
7 the result of such person's gross negligence or willful misconduct.

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

13       3. The volunteer licensee shall act within the scope of  
14 practice for a similarly licensed health care provider in this  
15 state.

16       4. A health care licensee providing free health care shall not  
17 engage in activities at a clinic, or at the health care licensee's  
18 office, if the activities are performed on behalf of the sponsoring  
19 organization, unless those activities are authorized by the  
20 appropriate authorities to be performed at the clinic or office and  
21 the clinic or office is in compliance with all applicable rules and  
22 regulations.

23       B. For purposes of this section, any commissioned or contract  
24 medical officer or dentist serving on active duty in the United

1 States armed forces and assigned to duty as a practicing,  
2 commissioned, or contract medical officer or dentist at any military  
3 hospital or medical facility owned and operated by the United States  
4 government shall be deemed to be licensed.

5 SECTION 6. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 684.26 of Title 63, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. 1. Any volunteer crisis response team member who  
9 participates in a crisis intervention under the provisions of this  
10 act shall not be liable in tort for any personal injuries or  
11 infliction of emotional distress of any participant to the crisis  
12 intervention that is caused by the act or an omission of a crisis  
13 response team member during the course of a crisis intervention.

14 2. Paragraph 1 of this subsection shall not apply unless the  
15 intervention or training is conducted within generally accepted  
16 protocols of a registered team as defined by a nationally recognized  
17 training agency.

18 B. The tort immunity provided for in subsection A of this  
19 section shall not apply if:

20 1. The team member acted with actual malice or willful intent  
21 to injure the subject;

22 2. The team member acted outside the scope of assigned duties;

23 3. The team member acted without team coordination and  
24 dispatch;

1 4. The action involved the commission of a crime;

2 5. The action involved sexual harassment or sexual or physical  
3 abuse;

4 6. The actions involved any form of moral turpitude or moral  
5 misconduct within the normally accepted community standards; or

6 7. If damages resulted from gross negligence of the team  
7 member.

8 C. For purposes of this section:

9 1. "Crisis intervention" means a session at which crisis  
10 response services are rendered by a critical incident stress  
11 management team member during or after a crisis or disaster;

12 2. "Crisis response services" means consultation, risk  
13 assessment, referral and crisis intervention services provided by a  
14 critical incident stress management team to individuals affected by  
15 crisis or disaster;

16 3. "Critical incident stress management team member" or "team  
17 member" means an individual specially trained to provide crisis  
18 response services as a member of an organized community or local  
19 crisis response team that holds membership in a registered critical  
20 incident stress management team;

21 4. "Registered team" means a team formally registered with a  
22 recognized training agency. For the purposes of this section, a  
23 recognized training agency shall include the International Critical  
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1 Incident Stress Foundation, the National Organization for Victim  
2 Assistance, the American Red Cross and other such organizations;

3 5. "Training session" means a session providing crisis response  
4 training by a qualified, trained trainer utilizing the standards  
5 established by a recognized training agency as provided for in  
6 paragraph 4 of this subsection; and

7 6. "Volunteer" means a person who serves and receives no  
8 remuneration for services except reimbursement for actual expenses.

9 SECTION 7. This act shall become effective November 1, 2009.

10 Passed the Senate the 9th day of March, 2009.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

15 2009.

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Presiding Officer of the House  
of Representatives

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