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THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 353  
As Amended

SENATE BILL NO. 353 - By: Rice of the Senate and Cox of the House.

[ public health and safety - Volunteer Health Care Services  
Act - codification - effective date ]

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

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

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

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

As used in the Volunteer Health Care Services Act:

1. "Health care provider" means any physician, surgeon,  
dentist, optometrist, or other practitioner of a health care  
discipline, the professional practice of which requires licensure or  
certification under the laws of this state or another state,  
territory, district or possession of the United States;

2. "Licensed health care provider" means any health care  
provider holding a current license or certificate issued under the

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

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

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

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

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

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

22 1. Is a duly licensed health care provider;

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

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

12           SECTION 4.           NEW LAW           A new section of law to be codified  
13 in the Oklahoma Statutes as Section 681.24 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

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

23           1. The name of the sponsoring organization;

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

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

8           4. Telephone numbers for the principal office of the sponsoring  
9 agency and each principal or official listed pursuant to paragraph 2  
10 of this subsection; and

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

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

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

22          D. Each sponsoring organization shall maintain a list of health  
23 care providers associated with its provision of voluntary health

1 services. For each health care provider, the organization shall  
2 maintain a copy of a current license, certificate, or statement of  
3 exemption from licensure or certification, or in the event that the  
4 health care provider is currently licensed in this state, a copy of  
5 the health care provider's license verification obtained from the  
6 appropriate state licensing entity.

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

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

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

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

21 No contract of professional liability insurance covering a  
22 health care provider in this state, issued or renewed on or after  
23 the effective date of this act, shall exclude coverage to any

1 provider who engages in the voluntary provision of health care  
2 services; provided, that the sponsoring organization and the health  
3 care provider comply with the requirements of this act.

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

7 A. 1. No licensed health care provider who renders, at any  
8 site, any health care services pursuant to this act within the  
9 limits of the person's license, certification or authorization,  
10 voluntarily and without compensation, to any sponsoring organization  
11 or to any patient of any clinic that is organized in whole or in  
12 part for the delivery of health care services without charge, shall  
13 be liable for any civil damages for any act or omission resulting  
14 from the rendering of such services, unless the act or omission was  
15 the result of such person's gross negligence or willful misconduct.

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

21 3. The volunteer licensee **shall act within the scope of**  
22 **practice for a similarly licensed health care provider in this**  
23 **state.**

1           4. A health care licensee providing free health care shall not  
2 engage in activities at a clinic, or at the health care licensee's  
3 office, if the activities are performed on behalf of the sponsoring  
4 organization, unless those activities are authorized by the  
5 appropriate authorities to be performed at the clinic or office and  
6 the clinic or office is in compliance with all applicable rules and  
7 regulations.

8           B. For purposes of this section, any commissioned or contract  
9 medical officer or dentist serving on active duty in the United  
10 States armed forces and assigned to duty as a practicing,  
11 commissioned, or contract medical officer or dentist at any military  
12 hospital or medical facility owned and operated by the United States  
13 government shall be deemed to be licensed.

14           SECTION 7.           NEW LAW           A new section of law to be codified  
15 in the Oklahoma Statutes as Section 684.27 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17           A. 1. Any volunteer crisis response team member who  
18 participates in a crisis intervention under the provisions of this  
19 act shall not be liable in tort for any personal injuries or  
20 infliction of emotional distress of any participant to the crisis  
21 intervention that is caused by the act or an omission of a crisis  
22 response team member during the course of a crisis intervention.

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

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

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

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

10          3. The team member acted without team coordination and  
11 dispatch;

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

13          5. The action involved sexual harassment or sexual or physical  
14 abuse;

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

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

19          C. For purposes of this section:

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

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

5           3. "Critical incident stress management team member" or "team  
6 member" means an individual specially trained to provide crisis  
7 response services as a member of an organized community or local  
8 crisis response team that holds membership in a registered critical  
9 incident stress management team;

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

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

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

21          SECTION 8. This act shall become effective November 1, 2009.

22          COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated  
23          2-19-09 - DO PASS, As Amended and Coauthored.