

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 353

By: Rice

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Volunteer Health Care Services Act; providing
9 short title; defining terms; permitting provision of
10 health care services without a license in certain
11 circumstances; requiring certain organizations to
12 register with the State Department of Health;
13 requiring certain notification; directing certain
14 organizations to file a quarterly report; requiring
15 certain organizations to maintain specified
16 information; providing for the selection of health
17 care providers; permitting the revocation of the
18 registration for certain organizations; prohibiting
19 the exclusion of coverage in certain circumstances;
20 exempting certain providers from liability in
21 specified circumstances; prohibiting certain
22 compensation; providing for medical officers and
23 dentists in the armed forces; providing for
24 codification; and providing an 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".

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

4 As used in the Volunteer Health Care Services Act:

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

10 2. "Licensed health care provider" means any health care
11 provider holding a current license or certificate issued under the
12 laws of this state or another state, territory, district or
13 possession of the United States;

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

16 4. "Sponsoring organization" means any organization that
17 organizes or arranges for the voluntary provision of health care
18 services and that registers with the State Department of Health as a
19 sponsoring organization under the provisions of Section 4 of this
20 act; and

21 5. "Voluntary provision of health care services" means providing
22 the professional services of a health care provider, in association
23 with a sponsoring organization, without charge to the recipient of
24 such services or to a third party on behalf of recipient.

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

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

8 1. Is a duly licensed health care provider;

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

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

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

23 A. Before providing volunteer medical services in this state
24 pursuant to the provisions of this act, a sponsoring organization

1 shall register with the State Department of Health by submitting a
2 registration fee of Fifty Dollars (\$50.00) and filing a registration
3 form. The registration fee shall not apply to any sponsoring
4 organization when providing volunteer health care services in cases
5 of natural or manmade disasters pursuant to any other provisions of
6 law. Such registration form shall contain:

7 1. The name of the sponsoring organization;

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

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

15 4. Telephone numbers for the principal office of the sponsoring
16 agency and each principal or official listed pursuant to paragraph 2
17 of this subsection; and

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

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

22 C. The sponsoring organization shall file a quarterly voluntary
23 services report with the Department during the current quarter that
24 lists all licensed health care providers who provided voluntary

1 health care services during the preceding quarter. The sponsoring
2 organization shall maintain on file for five (5) years following the
3 date of service additional information, including the date, place and
4 type of services provided.

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

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

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

20 G. The Department may revoke the registration of any sponsoring
21 organization that fails to comply with the requirements of this
22 section. Any such revocation shall be conducted in accordance with
23 the Administrative Procedures Act.

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

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

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

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

22 2. The volunteer licensee who is providing free care shall not
23 receive compensation of any type, directly or indirectly, or any
24 benefits of any type whatsoever, or any consideration of any nature,

1 from anyone for the free care, nor shall such services be part of the
2 provider's training or assignment.

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

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

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

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

21 A. 1. Any volunteer crisis response team member who
22 participates in a crisis intervention under the provisions of this
23 act shall not be liable in tort for any personal injuries or
24 infliction of emotional distress of any participant to the crisis

1 intervention that is caused by the act or an omission of a crisis
2 response team member during the course of a crisis intervention.

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

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

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

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

12 3. The team member acted without team coordination and dispatch;

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

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

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

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

23 2. "Crisis response services" means consultation, risk
24 assessment, referral and crisis intervention services provided by a

1 critical incident stress management team to individuals affected by
2 crisis or disaster;

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

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

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

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

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

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