

**IN THE GENERAL ASSEMBLY  
STATE OF \_\_\_\_\_**

**An Act**

**To Provide Publicly Funded Professional  
Liability Coverage for Volunteer Physicians**

1 Be it enacted by the People of the State of \_\_\_\_\_, represented in the General  
2 Assembly:

3 **Section 1. Title.** This Act shall be known and may be cited as the "Publicly  
4 Funded Professional Liability Coverage for Volunteer Physicians Act."

5 **Section 2. Purpose.** The Legislature hereby finds and declares that:

6 (a) It is in the interests of this State and its citizens to encourage physicians to  
7 voluntarily provide health care services without compensation at medical  
8 clinics or health care facilities that provide care for free or for a nominal  
9 charge.

10 (b) The costs of professional liability and the potential exposure to the costs of  
11 professional liability claims acts as a deterrent to physicians who wish to  
12 voluntarily provide health care services without compensation.

13 (c) It is therefore the purpose of this Act to provide for publicly funded  
14 professional liability insurance coverage for physicians voluntarily providing  
15 health care services without compensation at medical clinics or health care  
16 facilities that provide care for free or for a nominal charge.

1       **Section 3. Requirements for Publicly Funded Professional Liability**

2       **Insurance Coverage.**

3       (a) The State shall arrange for or purchase professional liability insurance  
4             coverage with limits of \$\_\_\_\_\_ per individual claim and \$\_\_\_\_\_ per  
5             total claims that arise from the same occurrence for a physician who meets the  
6             criteria in subsection (b). Any premiums for such professional liability  
7             insurance coverage shall be paid for by the State from the [insert appropriate  
8             state fund source], upon an application by the physician, which application  
9             shall include acknowledgment and documentation that the physician meets the  
10            criteria set forth in subsection (b). Such professional liability insurance  
11            coverage shall cover medical malpractice claims arising out of any act or  
12            omission resulting from the rendering of health care services provided  
13            voluntarily without compensation at any medical clinic or health care facility  
14            that provides health care services for free or for a nominal charge in this State  
15            and that is registered as set forth in subsection (d). Such professional liability  
16            insurance coverage shall be obtained from a medical liability insurer  
17            authorized to provide such insurance in this State or shall be provided directly  
18            by the State under a state-sponsored liability insurance program.

19       (b) In order to qualify for professional liability insurance coverage described in  
20            subsection (a), a physician must:

- 21               (1) Have an active medical license in this State to provide health care  
22               services;

1 (2) Voluntarily provide, without compensation, health care services within  
2 the scope of the physician's license; and

3 (3) Voluntarily provide such health care services at a medical clinic or  
4 health care facility in this State that provides health care services free  
5 or for a nominal charge and that is registered as set forth in subsection

6 (d).

7 (c) A physician who meets the criteria in subsection (b) shall be immune from  
8 civil liability for any amount in excess of the applicable limits of insurance  
9 coverage set forth in subsection (a) in any suit for civil damages for any act or  
10 omission resulting from the rendering of such services unless the act or  
11 omission constitutes:

12 (1) willful or wanton misconduct; or

13 (2) gross negligence.

14 (d) The Board of Health [or other appropriate state agency] of this State is  
15 empowered to adopt such rules and regulations as it may determine to be  
16 necessary to provide for registration of medical clinics or health care facilities  
17 that provide health care services for free or for a nominal charge under this  
18 Act, provided such rules and regulations shall require that such medical clinics  
19 or health care facilities post in a conspicuous place on their premises an  
20 explanation of the immunity from civil liability for physicians for amounts in  
21 excess of applicable limits of insurance coverage set forth in subsection (a) in

1           any suit for civil damages for any act or omission resulting from the rendering  
2           of health care services unless the act or omission constitutes:

3                     (1) willful or wanton misconduct; or

4                     (2) gross negligence.

5           **Section 4. Effective Date.** This Act shall become effective immediately upon  
6           being enacted into law.

7           **Section 5. Severability.** If any provision of this Act is held by a court to be  
8           invalid, such invalidity shall not affect the remaining provisions of this Act, and to this  
9           end the provisions of this Act are hereby declared severable.