

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 614
Committee Substitute Favorable 4/12/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H614-PCS80386-MGf-5

Short Title: Enact Volunteer Health Care Services Act. (Public)

Sponsors:

Referred to:

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE
3 FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS
4 STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES
5 FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED
6 PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY
7 HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING
8 ORGANIZATIONS.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new
11 Article to read:

12 "Article 1J.

13 "Voluntary Health Care Services Act.

14 "**§ 90-21.100. Short title.**

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

16 "**§ 90-21.101. Findings.**

17 (a) The General Assembly makes the following findings:

- 18 (1) Access to high-quality health care services is a concern of all persons.
19 (2) Access to high-quality health care services may be limited for some
20 residents of this State, particularly those who reside in remote, rural areas or
21 in the inner city.
22 (3) Physicians and other health care providers have traditionally worked to
23 ensure broad access to health care services.
24 (4) Many health care providers from North Carolina and elsewhere are willing
25 to volunteer their services to address the health care needs of North
26 Carolinians who may otherwise not be able to obtain high-quality health care
27 services.

28 (b) The General Assembly further finds that it is the public policy of this State to
29 encourage and facilitate the voluntary provision of health care services.

30 "**§ 90-21.102. Definitions.**

31 The following definitions apply in this Article:

- 32 (1) Department. – The North Carolina Department of Health and Human
33 Services.



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- 1 (2) Free clinic. – A nonprofit, 501(c)(3) tax-exempt organization organized for
2 the purpose of providing health care services without charge or for a
3 minimum fee to cover administrative costs and that maintains liability
4 insurance covering the acts and omissions of the free clinic and any liability
5 pursuant to G.S. 90-21.16(a).
- 6 (3) Health care provider. – Any person who:
- 7 a. Is licensed to practice as a physician or a physician assistant under
8 Article 1 of this Chapter.
- 9 b. Holds a limited volunteer license under G.S. 90-12.1A.
- 10 c. Holds a retired limited volunteer license under G.S. 90-12.1B.
- 11 d. Holds a physician assistant limited volunteer license under
12 G.S. 90-12.4.
- 13 e. Holds a physician assistant retired limited volunteer license under
14 90-12.4B.
- 15 f. Is a volunteer health care professional to whom G.S. 90-21.16
16 applies.
- 17 g. Is licensed to practice dentistry under Article 2 of this Chapter.
- 18 h. Is licensed to practice pharmacy under Article 4A of this Chapter.
- 19 i. Is licensed to practice optometry under Article 6 of this Chapter.
- 20 j. Is licensed to practice as a registered nurse or licensed practical nurse
21 under Article 9A of this Chapter.
- 22 k. Is licensed to practice veterinary medicine under Article 11 of this
23 Chapter.
- 24 l. Is licensed to practice as a dental hygienist under Article 16 of this
25 Chapter.
- 26 m. Holds a license as a registered licensed optician under Article 17 of
27 this Chapter.
- 28 n. Is licensed to practice as a physician, physician assistant, dentist,
29 pharmacist, optometrist, registered nurse, licensed practical nurse,
30 veterinarian, dental hygienist, or optician under provisions of law of
31 another state, territory, district, or possession of the United States
32 comparable to the provisions referenced in sub-subdivisions a.
33 through m. of this subdivision.
- 34 (4) Sponsoring organization. – Any nonprofit organization that organizes or
35 arranges for the voluntary provision of health care services, but does not
36 include free clinics, local health department facilities, nonprofit community
37 health centers, or nonprofit community health referral services that operate
38 year-round.
- 39 (5) Voluntary provision of health care services. – The provision of health care
40 services by a health care provider in association with a sponsoring
41 organization in which both of the following circumstances exist:
- 42 a. The health care services are provided without charge to the recipient
43 of the services or to a third party on behalf of the recipient.
- 44 b. The health care provider receives no compensation or other
45 consideration in exchange for the health care services provided.

46 **"§ 90-21.103. Limitation on duration of voluntary health care services.**

47 A sponsoring organization duly registered in accordance with G.S. 90-21.104 may organize
48 or arrange for the voluntary provision of health care services at a location in this State for a
49 period not to exceed seven calendar days in any calendar year.

50 **"§ 90-21.104. Registration, reporting, and record-keeping requirements.**

1 (a) A sponsoring organization shall not organize or arrange for the voluntary provision
2 of health care services in this State without first registering with the Department on a form
3 prescribed by the Department. The registration form shall contain all of the following
4 information:

- 5 (1) The name of the sponsoring organization.
- 6 (2) The name of the principal individuals who are the officers or organizational
7 officials responsible for the operation of the sponsoring organization.
- 8 (3) The street address, city, zip code, and county of the sponsoring
9 organization's principal office and each of the principal individuals described
10 in subdivision (2) of this subsection.
- 11 (4) Telephone numbers for the principal office of the sponsoring organization
12 and for each of the principal individuals described in subdivision (2) of this
13 subsection.
- 14 (5) Any additional information requested by the Department.

15 (b) Each sponsoring organization that applies for registration under this Article shall
16 pay a one-time registration fee in the amount of fifty dollars (\$50.00), which it shall submit to
17 the Department along with the completed registration form required by subsection (a) of this
18 section. Upon approval by the Department, a sponsoring organization's registration remains
19 valid unless revoked by the Department pursuant to subsection (f) of this section.

20 (c) Upon any change in the information required under subsection (a) of this section,
21 the sponsoring organization shall notify the Department of the change, in writing, within 30
22 days after the effective date of the change.

23 (d) Each registered sponsoring organization has the duty and responsibility to do all of
24 the following:

- 25 (1) By no later than 20 days before a sponsoring organization initiates voluntary
26 health care services in this State, the sponsoring organization shall submit to
27 the Department a list containing the following information regarding each
28 health care provider who is to provide voluntary health care services on
29 behalf of the sponsoring organization during any part of the time period in
30 which the sponsoring organization is authorized to provide voluntary health
31 care services in the State:
 - 32 a. Name.
 - 33 b. Date of birth.
 - 34 c. State of licensure.
 - 35 d. License number.
 - 36 e. Area of practice.
 - 37 f. Practice address.
- 38 (2) Beginning April 1, 2013, submit quarterly reports to the Department
39 identifying all health care providers who engaged in the provision of
40 voluntary health care services in association with the sponsoring
41 organization in this State during the preceding calendar quarter. The
42 quarterly report must include the date, place, and type of voluntary health
43 care services provided by each health care provider.
- 44 (3) Maintain a list of health care providers associated with its provision of
45 voluntary health care services in this State. For each health care provider
46 listed, the sponsoring organization shall maintain a copy of a current license
47 or statement of exemption from licensure or certification. For health care
48 providers currently licensed or certified under this Chapter, the sponsoring
49 organization may maintain a copy of the health care provider's license or
50 certification verification obtained from a State-sponsored Internet Web site.

1 (4) Maintain records of the quarterly reports and records required under this
2 subsection for a period of five years from the date of voluntary service and
3 make these records available upon request to any State licensing board
4 established under this Chapter.

5 (e) Compliance with subsections (a) through (d) of this section is prima facie evidence
6 that the sponsoring organization has exercised due care in its selection of health care providers.

7 (f) The Department may revoke the registration of any sponsoring organization that
8 fails to comply with the requirements of this Article. A sponsoring organization may challenge
9 the Department's decision to revoke its registration by filing a contested case under Article 3 of
10 Chapter 150B of the General Statutes.

11 (g) The Department may waive any of the requirements of this section during a natural
12 disaster or other emergency circumstance.

13 **"§ 90-21.105. Department and licensure boards to review licensure status of volunteers.**

14 The Department shall forward the information received from a sponsoring organization
15 under G.S. 90-21.104(d)(1) to the appropriate licensure board within seven days after receipt.
16 Upon receipt of any information or notice from a licensure board that a health care provider on
17 the list submitted by the sponsoring organization pursuant to G.S. 90-21.104(d)(1) is not
18 licensed, authorized, or in good standing, or is the subject of an investigation or pending
19 disciplinary action, the Department shall immediately notify the sponsoring organization that
20 the health care provider is not permitted to engage in the voluntary provision of health care
21 services on behalf of the sponsoring organization.

22 **"§ 90-21.106. On-site requirements.**

23 A sponsoring organization that organizes or arranges for the provision of voluntary health
24 care services at a location in this State shall ensure that at least one health care provider
25 licensed to practice in this State, with access to the controlled substances reporting system
26 established under G.S. 90-113.73, is located on the premises where the provision of voluntary
27 health care services is occurring.

28 **"§ 90-21.107. Additional licensure not required for certain volunteers.**

29 (a) A health care provider who engages in the voluntary provision of health care
30 services in association with a sponsoring organization for no more than seven days during any
31 calendar year shall not be required to obtain additional licensure or authorization in connection
32 therewith if the health care provider meets any of the following criteria:

33 (1) The health care provider is duly licensed or authorized under the laws of this
34 State to practice in the area in which the health care provider is providing
35 voluntary health care services and is in good standing with the applicable
36 licensing board.

37 (2) The health care provider lawfully practices in another state or district in the
38 area in which the health care provider is providing voluntary health care
39 services and is in good standing with the applicable licensing board.

40 (b) This exemption from additional licensure or authorization requirements does not
41 apply if any of the following circumstances exist:

42 (1) The health care provider has been subjected to public disciplinary action or
43 is the subject of a pending disciplinary proceeding in any state in which the
44 health care provider is or ever has been licensed.

45 (2) The health care provider's license has been suspended or revoked pursuant to
46 disciplinary proceedings in any state in which the health care provider is or
47 ever has been licensed.

48 (3) The health care provider renders services outside the scope of practice
49 authorized by the health care provider's license or authorization.

50 **"§ 90-21.108. Immunity from civil liability for acts or omissions.**

1 (a) Subject to subsection (b) of this section, a health care provider who engages in the
2 voluntary provision of health care services at any location in this State in association with a
3 sponsoring organization shall not be liable for damages for injuries or death alleged to have
4 occurred by reason of an act or omission in the health care provider's voluntary provision of
5 health care services, unless it is established that the injuries or death were caused by gross
6 negligence, wanton conduct, or intentional wrongdoing on the part of the health care provider.

7 (b) The immunity from civil liability provided by subsection (a) of this section does not
8 apply if any of the following circumstances exist:

9 (1) The health care provider receives, directly or indirectly, any type of
10 compensation, benefits, or other consideration of any nature from any person
11 for the health care services provided.

12 (2) The health care services provided are not part of the health care provider's
13 training or assignment.

14 (3) The health care services provided are not within the scope of the health care
15 provider's license or authority.

16 (4) The health care services provided are not authorized by the appropriate
17 authorities to be performed at the location."

18 **SECTION 2.** This act becomes effective January 1, 2013.