

1 (b) Nothing in this section shall be deemed or construed to relieve any person from
2 liability for damages for injury or death caused by an act or omission on the part of such person
3 while rendering health care services in the normal and ordinary course of his or her business or
4 profession. Services provided by a medical or health care provider who receives no
5 compensation for his or her services and who voluntarily renders such services at the provider's
6 place of employment, facilities of free clinics, local health departments as defined in
7 G.S. 130A-2, nonprofit community health centers, or as a volunteer medical director of an
8 emergency medical services (EMS) agency, are deemed not to be in the normal and ordinary
9 course of the volunteer medical or health care provider's business or profession.

10 (c) As used in this section, a "free clinic" is a nonprofit, 501(c)(3) tax-exempt
11 organization organized for the purpose of providing health care services without charge or for a
12 minimum fee to cover administrative ~~costs~~ ~~costs~~ ~~and that maintains liability insurance covering~~
13 ~~the acts and omissions of the free clinic and any liability pursuant to subsection (a) of this~~
14 ~~section.~~

15 (c1) For a volunteer medical or health care provider who provides services at a free
16 clinic to receive the protection from liability provided in this section, the free clinic shall
17 provide the following notice to the patient, or person authorized to give consent for treatment,
18 for the patient's retention, prior to the delivery of health care services:

19 "NOTICE

20 Under North Carolina law, a volunteer medical or health care provider shall not be liable for
21 damages for injuries or death alleged to have occurred by reason of an act or omission in the
22 medical or health care provider's voluntary provision of health care services, unless it is
23 established that the injuries or death were caused by gross negligence, wanton conduct, or
24 intentional wrongdoing on the part of the volunteer medical or health care provider."

25 (d) A nonprofit community health referral service that refers low-income patients to
26 physicians for free services is not liable for the acts or omissions of the physician in rendering
27 service to that patient if the nonprofit community health referral service maintains liability
28 insurance covering the acts and omissions of the nonprofit health referral service and any
29 liability pursuant to subsection (a) of this section.

30 (e) As used in this section, a "nonprofit community health referral service" is a
31 nonprofit, 501(c)(3) tax-exempt organization organized to provide for no charge the referral of
32 low-income, uninsured patients to volunteer health care providers who provide health care
33 services without charge to patients."

34 **SECTION 2.** G.S. 90-21.102(2) reads as rewritten:

35 "(2) Free clinic. — A nonprofit, 501(c)(3) tax-exempt organization organized for
36 the purpose of providing health care services without charge or for a
37 minimum fee to cover administrative ~~costs~~ ~~costs~~ ~~and that maintains liability~~
38 ~~insurance covering the acts and omissions of the free clinic and any liability~~
39 ~~pursuant to G.S. 90-21.16(a)."~~

40 **SECTION 3.** This act becomes effective October 1, 2013, and applies to claims
41 that arise on or after that date.