

104TH CONGRESS
1ST SESSION

S. 1217

To encourage the provision of medical services in medically underserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1995

Mr. COATS introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To encourage the provision of medical services in medically underserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medical Volunteer
5 Act”.

6 **SEC. 2. TORT CLAIM IMMUNITY.**

7 (a) GENERAL RULE.—A health care professional who
8 provides a health care service to a medically underserved
9 person without receiving compensation for such health

1 care service, shall be regarded, for purposes of any medical
2 malpractice claim that may arise in connection with the
3 provision of such service, as an employee of the Federal
4 Government for purposes of the Federal tort claims provi-
5 sions in title 28, United States Code.

6 (b) COMPENSATION.—For purposes of subsection (a),
7 a health care professional shall be deemed to have pro-
8 vided a health care service without compensation only if,
9 prior to furnishing a health care service, the health care
10 professional—

11 (1) agrees to furnish the health care service
12 without charge to any person, including any health
13 insurance plan or program under which the recipient
14 is covered; and

15 (2) provides the recipient of the health care
16 service with adequate notice (as determined by the
17 Secretary) of the limited liability of the health care
18 professional with respect to the service.

19 **SEC. 3. PREEMPTION.**

20 The provisions of this Act shall preempt any State
21 law to the extent that such law is inconsistent with such
22 provisions. The provisions of this Act shall not preempt
23 any State law that provides greater incentives or protec-
24 tions to a health care professional rendering a health care
25 service.

1 **SEC. 4. DEFINITIONS.**

2 For purposes of this Act:

3 (1) HEALTH CARE PROFESSIONAL.—The term
4 “health care professional” means a person who, at
5 the time the person provides a health care service,
6 is licensed or certified by the appropriate authorities
7 for practice in a State to furnish health care serv-
8 ices.

9 (2) HEALTH CARE SERVICE.—The term “health
10 care service” means any medical assistance to the
11 extent it is included in the plan submitted under
12 title XIX of the Social Security Act for the State in
13 which the service was provided.

14 (3) MEDICALLY UNDERSERVED PERSON.—The
15 term “medically underserved person” means a per-
16 son who resides in—

17 (A) a medically underserved area as de-
18 fined for purposes of determining a medically
19 underserved population under section 330 of
20 the Public Health Service Act (42 U.S.C.
21 254c); or

22 (B) a health professional shortage area as
23 defined in section 332 of such Act (42 U.S.C.
24 254e);

25 and who receives care in a health care facility sub-
26 stantially comparable to any of those designated in

1 the Federally Supported Health Centers Assistance
2 Act (42 U.S.C. 233 et seq.), as shall be determined
3 in regulations promulgated by the Secretary.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Department of Health and
6 Human Services.

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