

1 H.397

2 Introduced by Representative Dame of Essex

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; immunity from liability; health care practitioners

6 Statement of purpose of bill as introduced: This bill proposes to establish
7 immunity from civil liability for a health care professional who provides
8 volunteer health care services at a free clinic or a federally qualified health care
9 center.

10 An act relating to immunity from liability for health care professionals
11 providing volunteer health care services

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 12 V.S.A. § 5784 is added to read:

14 § 5784. VOLUNTEER HEALTH CARE SERVICES BY HEALTH CARE

15 PROFESSIONALS; IMMUNITY

16 (a) A health care professional shall not be subject to civil liability for injury
17 or death arising from his or her provision of health care services if the services
18 were:

19 (1) provided voluntarily without the expectation of directly or indirectly
20 receiving monetary or other compensation;

1 (2) within the scope of the health care professional’s licensure; and

2 (3) provided at a free clinic or federally qualified health center.

3 (b) A health care professional who provides health care services at a free
4 clinic or a federally qualified health center for an average of at least four hours
5 each week during a calendar year shall be immune from civil liability for
6 injury or death arising from any health care services the professional provides
7 in Vermont.

8 (c) This section shall not apply to gross negligence, recklessness, or
9 intentional misconduct by the health care professional.

10 (d) As used in this section:

11 (1) “Free clinic” shall have the same meaning as in 18 V.S.A.
12 § 4631a(4).

13 (2) “Health care professional” shall have the same meaning as in
14 18 V.S.A. § 701(7).

15 Sec. 2 EFFECTIVE DATE

16 This act shall take effect on passage.