

By: Senator(s) McDaniel

To: Public Health and Welfare

SENATE BILL NO. 2799

1 AN ACT TO CREATE THE VOLUNTEER HEALTH CARE SERVICES ACT; TO
 2 AUTHORIZE CERTAIN LICENSED MEDICAL PROFESSIONALS WHO ARE IN GOOD
 3 STANDING TO PROVIDE VOLUNTARY HEALTH CARE SERVICES; TO PROVIDE
 4 CIVIL IMMUNITY FOR THOSE SERVICES; TO BRING FORWARD SECTION
 5 73-25-19, MISSISSIPPI CODE OF 1972, WHICH LIMITS THE PRACTICE OF
 6 MEDICINE IN THIS STATE BY NONRESIDENT PHYSICIANS WHO ARE NOT
 7 LICENSED TO PRACTICE MEDICINE IN THIS STATE, FOR THE PURPOSES OF
 8 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 73-25-38, MISSISSIPPI
 9 CODE OF 1972, WHICH PROVIDES IMMUNITY TO MEDICAL PROFESSIONALS WHO
 10 VOLUNTARILY PROVIDE HEALTH CARE, FOR THE PURPOSES OF POSSIBLE
 11 AMENDMENT; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Sections 1 through 6 of this act shall be known
 14 and may be cited as the "Volunteer Health Care Services Act."

15 **SECTION 2.** (1) The Legislature finds that:

16 (a) Access to high quality health care services is a
 17 concern of all persons;

18 (b) Access to such services is severely limited for
 19 some residents of this state, particularly those who reside in
 20 remote rural areas or in the inner city;



21 (c) Physicians and other health care professionals have
22 traditionally worked to assure broad access to health care
23 services; and

24 (d) Many health care providers from Mississippi and
25 elsewhere are willing to volunteer their services to address the
26 health care needs of Mississippians who may otherwise not be able
27 to obtain such services.

28 (2) The Legislature further finds that it is the public
29 policy of this state to encourage and facilitate voluntary
30 provision of health care services.

31 **SECTION 3.** For the purposes of Sections 1 through 7 of this
32 act, the following words and phrases shall have the meanings
33 ascribed in this section unless the context clearly indicates
34 otherwise:

35 (a) "Department" means the State Department of Health.

36 (b) "Free clinic" means a not-for-profit, out-patient,
37 nonhospital facility in which a health care provider engages in
38 the voluntary provision of health care services to patients
39 without charge to the recipient of the services or to a third
40 party.

41 (c) "Health care provider" means any physician, dentist
42 or optometrist.

43 (d) "Licensed health care provider" means any health
44 care provider holding a current license or certificate issued
45 under:



46 (i) The applicable licensing law of this state for
47 the provider; or

48 (ii) A comparable provision of the law of another
49 state, territory, district or possession of the United States.

50 (e) "Regularly practice" means to practice for more
51 than twenty (20) days within any ninety-day period.

52 (f) "Sponsoring organization" means any organization
53 that organizes or arranges for the voluntary provision of health
54 care services and that registers with the department as a
55 sponsoring organization in accordance with Section 5 of this act
56 and charges recipients based on one (1) of the following criteria:

57 (i) On a sliding scale according to income;

58 (ii) A fee at the time of service of no more than
59 Fifty Dollars (\$50.00); or

60 (iii) No fee to the recipient.

61 (g) "Voluntary provision of health care services" means
62 the providing of professional health care services by the health
63 care provider either without charge to the recipient of the
64 services or to a third party, or recipients are charged on a
65 sliding scale according to income. Nothing shall preclude a
66 health care provider from collecting the charges described in
67 subparagraph (f)(ii) on behalf of the sponsoring organization as
68 long as the health care provider retains none of the payment and
69 forwards all collections to the sponsoring organization.



70 **SECTION 4.** (1) Notwithstanding any provision of law to the
71 contrary, no additional license or certificate otherwise required
72 under the applicable licensing laws of this state is necessary for
73 the voluntary provision of health care services by any person who:

74 (a) Is a licensed health care provider; or

75 (b) Lawfully practices under an exception to the
76 licensure or certification requirements of any state, territory,
77 district or possession of the United States, provided that the
78 person does not and will not regularly practice in Mississippi.

79 (2) Subsection (1) of this section does not apply to a
80 person whose license or certificate is suspended or revoked
81 pursuant to disciplinary proceedings in any jurisdiction. In
82 addition, subsection (1) of this section does not apply to a
83 licensed health care provider who renders services outside the
84 scope of practice authorized by the health care provider's
85 licensure, certification or exception to that licensure or
86 certification.

87 **SECTION 5.** (1) (a) Before providing volunteer medical
88 services in this state, a sponsoring organization shall register
89 with the department by submitting a registration fee of Fifty
90 Dollars (\$50.00) and filing a registration form. The registration
91 fee shall not apply to any sponsoring organization when providing
92 volunteer health care services in cases of natural or man-made
93 disasters. The registration form shall contain:

94 (i) The name of the sponsoring organization;



95 (ii) The name of the principal individual or
96 individuals who are the officers or organizational officials
97 responsible for the operation of the sponsoring organization;

98 (iii) The address, including street, city, state,
99 zip code and county, of the sponsoring organization's principal
100 office address and the same address information for each principal
101 or official listed in subparagraph (ii) of this paragraph (a);

102 (iv) Telephone numbers for the principal office of
103 the sponsoring agency and each principal or official listed in
104 subparagraph (ii) of this paragraph (a); and

105 (v) Any additional information required by the
106 department.

107 (b) Upon any change in the information required under
108 paragraph (a) of this subsection (1), the sponsoring organization
109 shall notify the department in writing of such change within
110 thirty (30) days of the change.

111 (2) The sponsoring organization shall file a quarterly
112 voluntary services report with the department which lists all
113 licensed health care providers who provided voluntary health care
114 services during the preceding quarter. The sponsoring
115 organization shall maintain on file for five (5) years following
116 the date of service additional information, including the date,
117 place and type of services provided.

118 (3) The sponsoring organization shall maintain a list of
119 health care providers associated with its provision of voluntary



120 health care services. For each health care provider, the
121 organization shall maintain a copy of a current license,
122 certificate or statement of exemption from licensure or
123 certification or, in the event that the health care provider is
124 currently licensed in the state of Mississippi, a copy of the
125 health care provider's license verification obtained from a
126 state-sponsored website. The sponsoring organization shall
127 maintain such records for a period of at least five (5) years
128 following the provision of health care services and shall furnish
129 the records to the department upon request of the department.

130 (4) Compliance with subsections (1) and (2) of this section
131 shall be prima facie evidence that the sponsoring organization
132 exercised due care in its selection of health care providers.

133 (5) The department may revoke the registration of any
134 sponsoring organization that fails to comply with the requirements
135 of this section.

136 **SECTION 6.** No contract of professional liability insurance
137 covering a health care provider in this state, issued or renewed
138 on or after July 1, 2023, shall exclude coverage to any health
139 care provider who engages in the voluntary provision of health
140 care services, provided that the sponsoring organization and the
141 health care provider comply with the requirements of Sections 1
142 through 5 of this act.

143 **SECTION 7.** Section 73-25-19, Mississippi Code of 1972, is
144 brought forward as follows:



145 73-25-19. Nonresident physicians not holding a license from
146 the state shall not be permitted to practice medicine under any
147 circumstances after remaining in the state for five (5) days,
148 except when called in consultation by a licensed physician
149 residing in this state or except as authorized under Sections
150 73-25-121 through 73-25-127. This section shall not apply to any
151 nonresident physician who holds a temporary license to practice
152 medicine at a youth camp issued under the provisions of Section
153 75-74-8 and Section 73-25-17.

154 **SECTION 8.** Section 73-25-38, Mississippi Code of 1972, is
155 brought forward as follows:

156 73-25-38. (1) Any licensed physician, dentist, physician
157 assistant or certified nurse practitioner who voluntarily provides
158 needed medical or health services to any person without the
159 expectation of payment due to the inability of such person to pay
160 for such services shall be immune from liability for any civil
161 action arising out of the provision of such medical or health
162 services provided in good faith on a charitable basis. This
163 section shall not extend immunity to acts of willful or gross
164 negligence. Except in cases of rendering emergency care in which
165 the provisions of Section 73-25-37 apply, immunity under this
166 section shall be extended only if the physician, dentist,
167 physician assistant or certified nurse practitioner and patient
168 execute a written waiver in advance of the rendering of such
169 medical or health services specifying that such services are



170 provided without the expectation of payment and that the licensed
171 physician, dentist, physician assistant or certified nurse
172 practitioner shall be immune as provided in this subsection. The
173 immunity from liability granted by this subsection also shall
174 extend to actions arising from a church-operated outpatient
175 medical clinic that exists solely for the purpose of providing
176 charitable medical services to persons who are unable to pay for
177 such services, provided that the outpatient clinic receives less
178 than Forty Thousand Dollars (\$40,000.00) annually in patient
179 payments.

180 (2) Any licensed physician, dentist, physician assistant or
181 certified nurse practitioner assisting with emergency management,
182 emergency operations or hazard mitigation in response to any
183 emergency, man-made or natural disaster, who voluntarily provides
184 needed medical or health services to any person without fee or
185 other compensation, shall not be liable for civil damages on the
186 basis of any act or omission if the physician, dentist, physician
187 assistant or nurse practitioner was acting in good faith and
188 within the scope of their license, education and training and the
189 acts or omissions were not caused from gross, willful or wanton
190 acts of negligence.

191 (3) Any physician who voluntarily renders any medical
192 service under a special volunteer medical license authorized under
193 Section 73-25-18 without any payment or compensation or the
194 expectation or promise of any payment or compensation shall be



195 immune from liability for any civil action arising out of any act
196 or omission resulting from the rendering of the medical service
197 unless the act or omission was the result of the physician's gross
198 negligence or willful misconduct. In order for the immunity under
199 this subsection to apply, there must be a written or oral
200 agreement for the physician to provide a voluntary noncompensated
201 medical service before the rendering of the service by the
202 physician.

203 (4) Any licensed physician, or any physician who is retired
204 from active practice and who has been previously issued an
205 unrestricted license to practice medicine in any state of the
206 United States or who has been issued a special volunteer medical
207 license under Section 73-25-18, shall be immune from liability for
208 any civil action arising out of any medical care or treatment
209 provided while voluntarily serving as "doctor of the day" for
210 members of the Mississippi State Legislature, legislative or other
211 state employees, or any visitors to the State Capitol on the date
212 of such service. This subsection shall not extend immunity to
213 acts of willful or gross negligence or misconduct.

214 **SECTION 9.** This act shall take effect and be in force from
215 and after July 1, 2023.

