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SENATE FILE

328

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HATCH, and DOTZLER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to liability of free health clinics participating
2 in the volunteer health care provider program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 328
HUMAN RESOURCES

1 Section 1. Section 135.24, Code 2003, is amended to read
2 as follows:

3 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED
4 -- IMMUNITY FROM CIVIL LIABILITY.

5 1. The director shall establish within the department a
6 program to provide to eligible hospitals, clinics, free
7 clinics, or other health care facilities, health care referral
8 programs, or charitable organizations, free medical, dental,
9 and chiropractic services given on a voluntary basis by health
10 care providers. A participating health care provider shall
11 register with the department and obtain from the department a
12 list of eligible, participating hospitals, clinics, free
13 clinics, or other health care facilities, health care referral
14 programs, or charitable organizations.

15 2. The department, in consultation with the department of
16 human services, shall adopt rules to implement the volunteer
17 health care provider program which shall include the
18 following:

19 a. Procedures for registration of health care providers
20 deemed qualified by the board of medical examiners, the board
21 of physician assistant examiners, the board of dental
22 examiners, the board of nursing, and the board of chiropractic
23 examiners.

24 b. Procedures for registration of free clinics.

25 ~~b.~~ c. Criteria for and identification of hospitals,
26 clinics, free clinics, or other health care facilities, health
27 care referral programs, or charitable organizations, eligible
28 to participate in the provision of free medical, dental, or
29 chiropractic services through the volunteer health care
30 provider program. A free clinic, health care facility, a
31 health care referral program, a charitable organization, or a
32 health care provider participating in the program shall not
33 bill or charge a patient for any health care provider service
34 provided under the volunteer health care provider program.

35 ~~c.~~ d. Identification of the services to be provided under

1 the program. The services provided may include, but shall not
2 be limited to, obstetrical and gynecological medical services,
3 psychiatric services provided by a physician licensed under
4 chapter 148, 150, or 150A, or services provided under chapter
5 151.

6 3. A health care provider providing free care under this
7 section shall be considered an employee of the state under
8 chapter 669 and shall be afforded protection as an employee of
9 the state under section 669.21, provided that the health care
10 provider has done all of the following:

11 a. Registered with the department pursuant to subsection
12 1.

13 b. Provided medical, dental, or chiropractic services
14 through a hospital, clinic, free clinic, or other health care
15 facility, health care referral program, or charitable
16 organization listed as eligible and participating by the
17 department pursuant to subsection 1.

18 4. A free clinic providing free care under this section
19 shall be considered a state agency solely for the purposes of
20 this section and chapter 669 and shall be afforded protection
21 under chapter 669 as a state agency for all claims arising
22 from the provision of free care by a health care provider
23 registered under subsection 3 who is providing services at the
24 free clinic in accordance with this section, if the free
25 clinic has registered with the department pursuant to
26 subsection 1.

27 ~~4~~ 5. For the purposes of this section, "charitable
28 organization" means a charitable organization within the
29 meaning of section 501(c)(3) of the Internal Revenue Code
30 which has as its primary purpose the sponsorship or support of
31 programs designed to improve the quality, awareness, and
32 availability of chiropractic, dental, or medical services to
33 children and to serve as a funding mechanism for provision of
34 chiropractic, dental, or medical services, including but not
35 limited to immunizations, to children in this state.

1 ~~5~~ 6. For the purposes of this section, "health:

2 a. "Free clinic" means a facility, other than a hospital or
3 health care provider's office which is exempt from taxation
4 under section 501(c)(3) of the Internal Revenue Code and which
5 has as its primary purpose the provision of health care
6 services without charge to individuals who are otherwise
7 unable to pay for the services.

8 b. "Health care provider" means a physician licensed under
9 chapter 148, 150, 150A, or 151, a physician assistant licensed
10 and practicing under a supervising physician pursuant to
11 chapter 148C, a licensed practical nurse, a registered nurse,
12 or a dentist, dental hygienist, or dental assistant registered
13 or licensed to practice under chapter 153.

14 EXPLANATION

15 This bill provides that free clinics that provide free care
16 under the volunteer health care provider program established
17 within the Iowa department of public health are considered a
18 state agency solely for the purpose of the state tort claims
19 Act and are to be afforded protection under the state tort
20 claims Act as a state agency for all claims arising from the
21 provision of free care by a health care provider registered in
22 accordance with program requirements who is providing services
23 at the free clinic, if the free clinic has registered with the
24 Iowa department of public health in accordance with the
25 requirements of the program.

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