

House Amendment 1649

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1 1 Amend House File 566, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause, and inserting the following:
1 5 <Section 1. Section 135.24, Code 2007, is amended
1 6 to read as follows:
1 7 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
1 8 ESTABLISHED == IMMUNITY FROM CIVIL LIABILITY.
1 9 1. The director shall establish within the
1 10 department a program to provide to eligible hospitals,
1 11 clinics, free clinics, field dental clinics, or other
1 12 health care facilities, health care referral programs,
1 13 or charitable organizations, free medical, dental,
1 14 chiropractic, pharmaceutical, nursing, optometric,
1 15 psychological, social work, behavioral science,
1 16 podiatric, physical therapy, occupational therapy,
1 17 respiratory therapy, and emergency medical care
1 18 services given on a voluntary basis by health care
1 19 providers. A participating health care provider shall
1 20 register with the department and obtain from the
1 21 department a list of eligible, participating
1 22 hospitals, clinics, free clinics, field dental
1 23 clinics, or other health care facilities, health care
1 24 referral programs, or charitable organizations.
1 25 2. The department, in consultation with the
1 26 department of human services, shall adopt rules to
1 27 implement the volunteer health care provider program
1 28 which shall include the following:
1 29 a. Procedures for registration of health care
1 30 providers deemed qualified by the board of medical
1 31 examiners, the board of physician assistant examiners,
1 32 the board of dental examiners, the board of nursing,
1 33 the board of chiropractic examiners, the board of
1 34 psychology examiners, the board of social work
1 35 examiners, the board of behavioral science examiners,
1 36 the board of pharmacy examiners, the board of
1 37 optometry examiners, the board of podiatry examiners,
1 38 the board of physical and occupational therapy
1 39 examiners, the state board for respiratory care, and
1 40 the Iowa department of public health, as applicable.
1 41 b. Procedures for registration of free clinics and
1 42 field dental clinics.
1 43 c. Criteria for and identification of hospitals,
1 44 clinics, free clinics, field dental clinics, or other
1 45 health care facilities, health care referral programs,
1 46 or charitable organizations, eligible to participate
1 47 in the provision of free medical, dental,
1 48 chiropractic, pharmaceutical, nursing, optometric,
1 49 psychological, social work, behavioral science,
2 1 podiatric, physical therapy, occupational therapy,
2 2 respiratory therapy, or emergency medical care
2 3 services through the volunteer health care provider
2 4 program. A free clinic, a field dental clinic, a
2 5 health care facility, a health care referral program,
2 6 a charitable organization, or a health care provider
2 7 participating in the program shall not bill or charge
2 8 a patient for any health care provider service
2 9 provided under the volunteer health care provider
2 10 program.
2 11 d. Identification of the services to be provided
2 12 under the program. The services provided may include,
2 13 but shall not be limited to, obstetrical and
2 14 gynecological medical services, psychiatric services
2 15 provided by a physician licensed under chapter 148,
2 16 150, or 150A, dental services provided under chapter
2 17 153, or other services provided under chapter 147A,
2 18 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154,
2 19 154B, 154C, 154D, or 155A.
2 20 3. A health care provider providing free care
2 21 under this section shall be considered an employee of
2 22 the state under chapter 669 and shall be afforded
2 23 protection as an employee of the state under section
2 24 669.21, provided that the health care provider has
done all of the following:

2 25 a. Registered with the department pursuant to
2 26 subsection 1.
2 27 b. Provided medical, dental, chiropractic,
2 28 pharmaceutical, nursing, optometric, psychological,
2 29 social work, behavioral science, podiatric, physical
2 30 therapy, occupational therapy, respiratory therapy, or
2 31 emergency medical care services through a hospital,
2 32 clinic, free clinic, field dental clinic, or other
2 33 health care facility, health care referral program, or
2 34 charitable organization listed as eligible and
2 35 participating by the department pursuant to subsection
2 36 1.

2 37 4. A free clinic providing free care under this
2 38 section shall be considered a state agency solely for
2 39 the purposes of this section and chapter 669 and shall
2 40 be afforded protection under chapter 669 as a state
2 41 agency for all claims arising from the provision of
2 42 free care by a health care provider registered under
2 43 subsection 3 who is providing services at the free
2 44 clinic in accordance with this section or from the
2 45 provision of free care by a health care provider who
2 46 is covered by adequate medical malpractice insurance
2 47 as determined by the department, if the free clinic
2 48 has registered with the department pursuant to
2 49 subsection 1.

2 50 4A. A field dental clinic providing free care
3 1 under this section shall be considered a state agency
3 2 solely for the purposes of this section and chapter
3 3 669 and shall be afforded protection under chapter 669
3 4 as a state agency for all claims arising from the
3 5 provision of free care by a health care provider
3 6 registered under subsection 3 who is providing
3 7 services at the field dental clinic in accordance with
3 8 this section or from the provision of free care by a
3 9 health care provider who is covered by adequate
3 10 medical malpractice insurance as determined by the
3 11 department, if the field dental clinic has registered
3 12 with the department pursuant to subsection 1.

3 13 5. For the purposes of this section:

3 14 a. "Charitable organization" means a charitable
3 15 organization within the meaning of section 501(c)(3)
3 16 of the Internal Revenue Code which has as its primary
3 17 purpose the sponsorship or support of programs
3 18 designed to improve the quality, awareness, and
3 19 availability of chiropractic, dental, medical,
3 20 pharmaceutical, nursing, optometric, psychological,
3 21 social work, behavioral science, podiatric, physical
3 22 therapy, occupational therapy, respiratory therapy, or
3 23 emergency medical care services to children and to
3 24 serve as a funding mechanism for provision of
3 25 chiropractic, dental, medical, pharmaceutical,
3 26 nursing, optometric, psychological, social work,
3 27 behavioral science, podiatric, physical therapy,
3 28 occupational therapy, respiratory therapy, or
3 29 emergency medical care services, including but not
3 30 limited to immunizations, to children in this state.

3 31 b. "Field dental clinic" means a dental clinic
3 32 temporarily or periodically erected at a location
3 33 utilizing mobile dental equipment, instruments, or
3 34 supplies, as necessary, to provide dental services.

3 35 ~~b. c.~~ "Free clinic" means a facility, other than a
3 36 hospital or health care provider's office which is
3 37 exempt from taxation under section 501(c)(3) of the
3 38 Internal Revenue Code and which has as its sole
3 39 purpose the provision of health care services without
3 40 charge to individuals who are otherwise unable to pay
3 41 for the services.

3 42 ~~c. d.~~ "Health care provider" means a physician
3 43 licensed under chapter 148, 150, or 150A, a
3 44 chiropractor licensed under chapter 151, a physical
3 45 therapist licensed pursuant to chapter 148A, an
3 46 occupational therapist licensed pursuant to chapter
3 47 148B, a podiatrist licensed pursuant to chapter 149, a
3 48 physician assistant licensed and practicing under a
3 49 supervising physician pursuant to chapter 148C, a
3 50 licensed practical nurse, a registered nurse, or an
4 1 advanced registered nurse practitioner licensed
4 2 pursuant to chapter 152 or 152E, a respiratory
4 3 therapist licensed pursuant to chapter 152B, a
4 4 dentist, dental hygienist, or dental assistant
4 5 registered or licensed to practice under chapter 153,

4 6 an optometrist licensed pursuant to chapter 154, a
4 7 psychologist licensed pursuant to chapter 154B, a
4 8 social worker licensed pursuant to chapter 154C, a
4 9 mental health counselor or a marital and family
4 10 therapist licensed pursuant to chapter 154D, a
4 11 pharmacist licensed pursuant to chapter 155A, or an
4 12 emergency medical care provider certified pursuant to
4 13 chapter 147A.>
4 14 #2. Title page, line 1, by striking the words <the
4 15 definition of a free clinic> and inserting the
4 16 following: <field dental clinics>.
4 17 HF 566.S
4 18 pf/cc/26