

FEB 15 1993
Place On Calendar

*See File
copy*

HOUSE FILE 200
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 86)

Passed House, Date 3/26/93 Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____
Approved April 28, 1993

A BILL FOR

1 An Act establishing a volunteer physician program within the Iowa
2 department of public health and providing for certain immunity
3 from liability.

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

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HF 200

1 Section 1. NEW SECTION. 135.24 VOLUNTEER PHYSICIAN
2 PROGRAM ESTABLISHED -- IMMUNITY FROM CIVIL LIABILITY.

3 1. The director shall establish within the department a
4 program to provide to eligible hospitals, clinics, or other
5 health care facilities, or health care referral programs, free
6 medical services given on a voluntary basis by physicians
7 licensed under chapter 148, 150, or 150A. A participating
8 physician shall register with the department and obtain from
9 the department a list of eligible, participating hospitals,
10 clinics, or other health care facilities, or health care
11 referral programs.

12 2. The department, in consultation with the department of
13 human services, shall adopt rules to implement the volunteer
14 physician program which shall include the following:

15 a. Procedures for registration of qualified physicians.

16 b. Criteria for and identification of hospitals, clinics,
17 or other health care facilities, or health care referral
18 programs eligible to participate in the provision of free
19 medical services through the volunteer physician program.

20 3. A physician providing free care under this section
21 shall be considered an employee of the state under chapter 669
22 and shall be afforded protection as an employee of the state
23 under section 669.21, provided that the physician has done all
24 of the following:

25 a. Registered with the department pursuant to subsection
26 1.

27 b. Provided medical services through a hospital, clinic,
28 or other health care facility, or health care referral program
29 listed as eligible and participating by the department
30 pursuant to subsection 1.

31 EXPLANATION

32 This bill requires the director of the Iowa department of
33 public health to establish within the department a volunteer
34 physician program. The program would allow physicians
35 licensed to practice medicine and surgery, osteopathy, or

1 osteopathic medicine and surgery, to register with the
2 department and obtain from the department a list of hospitals,
3 clinics, or other health care facilities, or health care
4 referral programs, eligible to participate in the provision of
5 free medical services. The department is instructed to adopt
6 rules, in consultation with the department of human services,
7 setting procedures for registration of qualified physicians
8 and criteria for and identification of eligible facilities and
9 programs. The bill provides that a physician who registers
10 and provides medical services through a facility or program
11 listed as eligible and participating by the department shall
12 be considered an employee of the state for liability purposes.

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HOUSE FILE 200

H-3125

- 1 Amend House File 200 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "program." the following: "A health care facility, a
- 4 health care referral program, or a health care
- 5 provider participating in the program shall not bill
- 6 or charge a patient for any physician service provided
- 7 under the volunteer physician program."

By BRAMMER of Linn
 BLODGETT of Cerro Gordo

H-3125 FILED FEBRUARY 19, 1993

(P. 858) *Adopted 3/26/93*

HOUSE FILE 200

H-3108

WITHDRAWN

- 1 Amend House File 200 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "program." the following: "A health care facility, a
- 4 health care referral program, or a health care
- 5 provider participating in the program shall not bill
- 6 or charge a patient for any service provided under the
- 7 volunteer physician program."

By BRAMMER of Linn
 H-3108 FILED FEBRUARY 18, 1993 ~~WITHDRAWN~~

3/26/93
(P. 859)

HOUSE FILE 200

H-3163

- 1 Amend House File 200 as follows:
- 2 1. Page 1, line 15, by striking the words
- 3 "qualified physicians" and inserting the following:
- 4 "physicians deemed qualified by the board of medical
- 5 examiners".

By BLODGETT of Cerro Gordo

H-3163 FILED MARCH 2, 1993

(P. 858) *Adopted 3/26/93*

HOUSE FILE 200
FISCAL NOTE

A fiscal note for House File 200 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 200 establishes a Volunteer Physician Program within the Department of Public Health (DPH). The Program would allow licensed physicians who practice medicine and surgery, osteopathy, or osteopathic medicine and surgery, to register with the DPH, and obtain a list of health care facilities and programs eligible to participate in the provision of free medical services. The Department would adopt rules, in consultation with the Department of Human Services, setting procedures for registration of qualified physicians and criteria for eligible facilities and programs. A registered physician, acting in a volunteer capacity in an eligible program or facility would be considered an employee of the State for liability purposes.

Assumptions:

1. The State would be self-insured for any claims that may be brought against a registered volunteer physician. The Office of the Attorney General would handle all legal concerns that may arise regarding the volunteer physicians' liability.
2. Estimates assume that 3.0% (155) of licensed physicians would participate in the program. This is based on an informal survey of medical clinics. Additionally, the estimates assume each volunteer physician would participate, on average, 10 hours per week.
3. The effect that legal action may have on a volunteer physician's private liability rates would be not be covered by the State.
4. The DPH would administer the Program through a contractual agreement with the Iowa Medical Society, Iowa Osteopathic Medical Society, and the Iowa Hospital Association.
5. The rate of liability would be the same for volunteer physicians as it is for all licensed physicians.

Fiscal Impact:

The total fiscal effect of HF 200 is a cost to the General Fund of approximately \$240,000 for FY 1994 and each subsequent year. The cost is broken down as follows:

1. The DPH will require approximately \$15,000 to cover the cost of the contracts that will administer the program.
2. The Office of the Attorney General will require \$15,200 per liability suit

brought against the State, and an additional \$50,000 for staff and litigation defense costs per year. The total result would be approximately \$100,000 per year for this Office.

3. The fiscal effect of claim payments is expected to be approximately \$125,000 per year.

Sources: Department of Justice
Department of Public Health
Department of Commerce
Iowa Medical Society y
Siouxland Community Health Center

(LSB 1343hv, JAM)

FILED FEBRUARY 22, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 200
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 86)

(As Amended and Passed by the House March 26, 1993)

Passed House, Date _____ Passed Senate, ^(P. 1224) Date 4/19/93
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved April 28, 1993

A BILL FOR

1 An Act establishing a volunteer physician program within the Iowa
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House Amendments _____

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12 2. The department, in consultation with the department of
13 human services, shall adopt rules to implement the volunteer
14 physician program which shall include the following:

15 a. Procedures for registration of physicians deemed
16 qualified by the board of medical examiners.

17 b. Criteria for and identification of hospitals, clinics,
18 or other health care facilities, or health care referral
19 programs eligible to participate in the provision of free
20 medical services through the volunteer physician program. A
21 health care facility, a health care referral program, or a
22 health care provider participating in the program shall not
23 bill or charge a patient for any physician service provided
24 under the volunteer physician program.

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Assumptions:

1. The State would be self-insured for any claims that may be brought against a registered volunteer physician. The Office of the Attorney General would handle all legal concerns that may arise regarding the volunteer physicians' liability.

Estimates assume that 1.0% (50) of licensed physicians would participate in the Program. This is based on an informal survey of medical clinics, and consultation with the DPH and the Iowa Medical Society (IMS). Additionally, the estimates assume each volunteer physician would participate, on average, 10 hours per week.

3. The effect that legal action may have on a volunteer physician's private liability rates would be not be covered by the State.
4. The DPH would administer the Program through a contractual agreement with the IMS, Iowa Osteopathic Medical Society, and/or the Iowa Hospital Association. The IMS has indicated that no reimbursement would be required for participation in the Program.
5. The rate of liability would be the same for volunteer physicians as it is for all licensed physicians.
6. The liability costs associated with HF 200 will not be completely realized until FY 1996, due to a lag time in medical malpractice claims.

Fiscal Impact:

The total fiscal effect of HF 200 is a cost to the General Fund of \$0 in FY 1994, approximately \$66,000 in FY 1995, and approximately \$106,000 in each subsequent year. The cost is broken down as follows:

1. The DPH will not require any funds to cover the cost of the contracts that will administer the Program.
2. The Office of the Attorney General will require \$15,200 per liability suit brought against the State, and an additional \$50,000 for staff and litigation defense costs per year. The total result would be approximately \$66,000 per year for this Office, beginning in the second year of the program.
3. The fiscal effect of claim payments is expected to be approximately \$40,000 per year, beginning in the third year of the Program. This cost will only be realized if the State loses or settles a claim brought about by the actions of a volunteer physician participating in the Program. If no cases are lost, there will be no fiscal effect in this area. Conversely, due to the uncertainty of medical malpractice liability, the State's liability exposure could be significantly higher than the estimated cost.

Sources: Department of Justice
Department of Public Health
Department of Commerce
Iowa Medical Society
Siouxland Community Health Center

(LSB 1343hv.2. JAM)

FILED MARCH 25, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

HSB 86

*Budget Ch.
House
Bill*

HUMAN RESOURCES

New

HOUSE FILE 200

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON PLASIER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 department of public health and providing for certain immunity
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HOUSE FILE 200

AN ACT

ESTABLISHING A VOLUNTEER PHYSICIAN PROGRAM WITHIN THE IOWA DEPARTMENT OF PUBLIC HEALTH AND PROVIDING FOR CERTAIN IMMUNITY FROM LIABILITY.

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

Section 1. NEW SECTION. 135.24 VOLUNTEER PHYSICIAN PROGRAM ESTABLISHED -- IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, or other health care facilities, or health care referral programs, free medical services given on a voluntary basis by physicians licensed under chapter 148, 150, or 150A. A participating physician shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, or other health care facilities, or health care referral programs.

2. The department, in consultation with the department of human services, shall adopt rules to implement the volunteer physician program which shall include the following:

a. Procedures for registration of physicians deemed qualified by the board of medical examiners.

b. Criteria for and identification of hospitals, clinics, or other health care facilities, or health care referral programs eligible to participate in the provision of free medical services through the volunteer physician program. A health care facility, a health care referral program, or a health care provider participating in the program shall not bill or charge a patient for any physician service provided under the volunteer physician program.

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and shall be afforded protection as an employee of the state under section 669.21, provided that the physician has done all of the following:

a. Registered with the department pursuant to subsection 1.

b. Provided medical services through a hospital, clinic, or other health care facility, or health care referral program listed as eligible and participating by the department pursuant to subsection 1.

BAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 200, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 28*, 1993

TERRY E. BRANSTAD
Governor