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Bill Analysis
Legislative Service Commission

S.B. 86

125th General Assembly
(As Introduced)

Sens. Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin, Amstutz, Brady, Herington, Fedor

BILL SUMMARY

- Modifies the immunity from civil liability that applies to volunteer health care professionals and workers who provide services to indigent and uninsured persons in nonprofit shelters and health care facilities.
- Extends the civil immunity to other health care facilities, including any institution or location in or at which medical care, treatment, or diagnosis is provided and any health care facility associated with a nonprofit organization that refers patients to volunteer health care professionals and workers.
- Expands the number of indigent persons who may be served by the health care facilities, professionals, and workers acting under the civil immunity by specifying that the persons cannot have incomes exceeding 200%, rather than 100%, of the federal poverty line.
- Allows retired physicians and dentists with volunteers' licenses to provide care to the expanded number of indigent persons, but only if the care is provided in nonprofit shelters and facilities.

CONTENT AND OPERATION

Background

Current law establishes immunity from civil liability, except in cases of willful or wanton misconduct, for health care professionals who provide health services without compensation to persons who have incomes not greater than the federal poverty line, are without private health coverage, and are not eligible for

assistance under a governmental health program.¹ The immunity extends to health care workers who act under a health care professional's direction in providing the volunteer care to these indigent and uninsured persons.

For the immunity to apply, the health services must be provided at a nonprofit shelter or health care facility that is registered with the Ohio Department of Health. Expressly excluded from the immunity provisions are hospitals, nursing homes, residential care facilities, and medical facilities that are operated for profit.

Immunity similar to that which applies to health care professionals and workers is also available to the nonprofit shelters or health care facilities associated with the volunteer providers. In no case, however, is the immunity available with respect to the performance of an operation or delivery of a baby.

Modification of the limits on immunity for volunteer health providers

(R.C. 2305.234)

The bill changes the existing limitations on the civil immunity that apply to health care professionals, health care workers, and nonprofit shelters and health care facilities when serving indigent and uninsured persons. Under these changes, the bill does the following:

(1) Expands the number of indigent and uninsured persons who can be served as a result of the immunity provisions. To be considered indigent under current law, a person's income cannot exceed 100% of the federal poverty line. The bill provides that an indigent person is someone with an income that is not greater than 200% of the poverty line.

(2) Eliminates provisions specifying that the immunity applies to an entity providing health services only if the entity is a nonprofit shelter or health care facility. Instead, the bill provides that the immunity applies to a "health care facility," which the bill describes as a hospital, clinic, ambulatory surgical treatment center, other center, medical school, office of a health care professional or associated group of health care professionals, infirmary, dispensary, medical training institution, shelter, or other institution or location in or at which medical care, treatment, or diagnosis is provided to a person. (See **COMMENT**.)

¹ Current law specifies that the immunity is available to the following health care professionals: physicians, registered nurses, advanced practice nurses, licensed practical nurses, physician assistants, dentists, dental hygienists, physical therapists, chiropractors, optometrists, podiatrists, dietitians, pharmacists, and emergency medical technicians.

(3) Eliminates, in the case of health care professionals, any specification of where health services must be provided for the immunity to apply.

(4) Specifies, in the case of health care workers acting under the direction of health care workers, that the immunity applies when services are provided in a health care facility, as described above;

(5) Specifies that the immunity extends to a health care facility associated with a nonprofit organization that refers patients to, or arranges for the provision of services by, a health care professional or health care worker who is acting under the immunity provisions.

Volunteer's licenses for retired physicians and dentists

(R.C. 4715.42 and 4731.295)

Current law provides for the issuance of "volunteer's certificates" to retired physicians and dentists so that they may provide their services to indigent and uninsured persons at nonprofit shelters or health care facilities. The bill expands the number of persons who may be served by including persons with incomes not greater than 200% of the federal poverty line. However, the bill continues the requirement that the services be provided only on the premises of a nonprofit shelter or health care facility, as those terms are currently defined.

COMMENT

The bill continues the requirement that a nonprofit shelter or health care facility be registered with the Ohio Department of Health as a condition of making the civil immunity for volunteer health services available to the entity. The bill does not provide for the registration of the other entities to which it extends the immunity provisions. (R.C. 2305.234(D) and 3701.071.)

HISTORY

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