

Tennessee Volunteer Health Care Services Act

63-6-701. Short title. —

This part shall be known and may be cited as the “Volunteer Health Care Services Act.”

[Acts 1995, ch. 299, § 1.]

63-6-702. Legislative findings. —

(a) The general assembly finds that:

- (1) Access to high quality health care services is a concern of all persons;
- (2) Access to such services is severely limited for some residents of this state, particularly those who reside in remote, rural areas or in the inner city;
- (3) Physicians and other health care professionals have traditionally worked to assure broad access to health care services; and
- (4) Many health care providers from Tennessee and elsewhere are willing to volunteer their services to address the health care needs of Tennesseans who may otherwise not be able to obtain such services.

(b) The general assembly further finds that it is the public policy of this state to encourage and facilitate voluntary provision of health care services.

[Acts 1995, ch. 299, § 2.]

63-6-703. Part definitions. —

As used in this part, unless the context otherwise requires:

(1) “Health care provider” means any physician, surgeon, dentist, nurse, optometrist, or other practitioner of a health care discipline, the professional practice of which requires licensure or certification under the provisions of this title or under a comparable provision of law of another state, territory, district or possession of the United States;

(2) “Licensed health care provider” means any health care provider holding a current license or certificate issued under:

(A) This title; or

(B) A comparable provision of the law of another state, territory, district or possession of the United States;

(3) “Regularly practice” means to practice for more than sixty (60) days within any ninety (90) day period;

(4) “Sponsoring organization” means any organization that organizes or arranges for the voluntary provision of health care services and that registers with the

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department of health as a sponsoring organization in accordance with § 63-6-706; and

(5) "Voluntary provision of health care services" means providing the professional services of a health care provider, in association with a sponsoring organization, without charge to the recipient of such services or to a third party on behalf of a recipient.

[Acts 1995, ch. 299, § 3.]

63-6-704. Licensure requirements. —

(a) Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of this title is necessary for the voluntary provision of health care services by any person who:

(1) Is a duly licensed health care provider, as defined under § 63-6-703(2); or

(2) Lawfully practices under an exception to the licensure or certification requirements of any state, territory, district or possession of the United States; provided, that the person does not and will not regularly practice in Tennessee.

(b) The provisions of subsection (a) do not apply to any person whose license or certificate is suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. Furthermore, the provisions of subsection (a) do not apply to a licensed health care provider who renders services outside the scope of practice authorized by the provider's licensure, certification, or exception to such licensure or certification.

[Acts 1995, ch. 299, § 4.]

63-6-705. Applicability. —

With regard to a person who voluntarily provides health care services and who is covered by the provisions of § 63-6-704(a), the prohibitions expressed in § 63-6-202, relative to itinerant physicians, shall not apply and all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

[Acts 1995, ch. 299, § 5.]

63-6-706. Registration requirements — Revocation. —

(a) Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health by submitting a registration fee of fifty dollars (\$50.00) and filing a registration form. The fifty-dollar registration fee shall not apply to any sponsoring organization as defined in 63-6-703 when providing volunteer health care services in cases of natural or manmade disasters. Such registration form shall contain:

(1) The name of the sponsoring organization;

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

(3) The address, including street, city, zip code and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in subdivision (a)(2);

(4) Telephone numbers for the principal office of the sponsoring agency and each principal or official listed in subdivision (a)(2); and

(5) Such additional information as the department shall require.

Upon any change in the information required under this subsection (a), the sponsoring organization shall notify the department in writing of such change within thirty (30) days of its occurrence.

(b) The sponsoring organization shall file a quarterly voluntary services report with the department during the current quarter that lists all licensed health care providers who provided voluntary health care services during the preceding quarter. The sponsoring organization shall maintain on file for five (5) years following the date of service additional information, including the date, place and type of services provided.

(c) Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health services. For each such health care provider, the organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification, or in the event that the health care provider is currently licensed in the state of Tennessee, a copy of the health care provider's license verification obtained from a state-sponsored web site.

(d) The sponsoring organization shall maintain such records for a period of at least five (5) years following the provision of health care services and shall furnish such records upon request to any regulatory board established under this title.

(e) Compliance with subsections (a) and (b) shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

(f) The department may revoke the registration of any sponsoring organization that fails to comply with the requirements of subsections (a)-(e). Any such revocation shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Acts 1995, ch. 299, §§ 6, 7; 2000, ch. 723, § 1; 2007, ch. 69, § 1.]

63-6-707. Liability insurance coverage. —

No contract of professional liability insurance covering a health care provider in this state, issued or renewed on or after May 26, 1995, shall exclude coverage to any provider who engages in the voluntary provision of health care services; provided,

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that the sponsoring organization and the health care provider comply with the requirements of this part.

[Acts 1995, ch. 299, § 8.]

63-6-708. Immunity for voluntary provision of health care services. —

(a) (1) No person who is licensed, certified or authorized by the board of any of the professions of healing arts, as enumerated in this title, and who renders, at any site, any health care services within the limits of the person's license, certification or authorization, voluntarily and without compensation, to any sponsoring organization within the meaning of this part, or to any patient of any clinic that is organized in whole or in part for the delivery of health care services without charge, shall be liable for any civil damages for any act or omission resulting from the rendering of such services, unless the act or omission was the result of such person's gross negligence or willful misconduct.

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from anyone for the free care. Nor shall such services be part of the provider's training or assignment.

(3) The volunteer licensee must be acting within the scope of such license, certification or authority.

(4) A health care licensee providing free health care shall not engage in activities at a clinic, or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless those activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable rules and regulations.

(b) For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States armed forces and assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed pursuant to this part.

[Acts 2005, ch. 208, § 1; 2007, ch. 69, § 2.]

63-6-709. Liability of volunteer crisis response team member — Applicability.

(a) (1) "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster;

(2) "Crisis response services" means consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

(3) "Critical incident stress management team member," referred to also as "team member," means an individual specially trained to provide crisis response

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services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

(4) "Registered team" means a team formally registered with a recognized training agency. For the purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the National Red Cross, the Tennessee Public Safety Network, and other such organizations;

(5) "Training Session" means a session providing crisis response training by a qualified, trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (a)(4); and

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b) (1) Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or an omission of a crisis response team member during the course of a crisis intervention.

(2) Subdivision (b)(1) shall not apply unless the intervention or training is conducted within generally accepted protocols of a registered team as defined by a nationally recognized accrediting agency.

(c) The tort immunity in subsection (b) does not apply if:

(1) The team member acted with actual malice or willful intent to injure the subject;

(2) The team member acted outside the scope of assigned duties;

(3) The team member acted without team coordination and dispatch;

(4) The action involved the commission of a crime;

(5) The action involved sexual harassment, sexual or physical abuse;

(6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards; or

(7) If damages resulted from gross negligence of the team member.
[Acts 2008, ch. 921, § 1.]