

ASSEMBLY, No. 270

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman BATEMAN

1 AN ACT amending and supplementing P.L.1959, c.90 and
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 2 of P.L.1959, c.90 (C.2A:53A-8) is amended to read
8 as follows:

9 2. a. Notwithstanding the provisions of [the foregoing paragraph]
10 section 1 of P.L.1959, c.90 (C.2A:53A-7) to the contrary, any
11 nonprofit corporation, society or association organized exclusively for
12 hospital purposes shall be liable to respond in damages to such
13 beneficiary who shall suffer damage from the negligence of such
14 corporation, society or association or of its agents or servants to an
15 amount not exceeding \$250,000, together with interest and costs of
16 suit, as the result of any one accident and to the extent to which such
17 damage, together with interest and costs of suit, shall exceed the sum
18 of \$250,000 such nonprofit corporation, society or association
19 organized exclusively for hospital purposes shall not be liable therefor.

20 b. Notwithstanding the provisions of section 1 of P.L.1959, c.90
21 (C.2A:53A-7) to the contrary, a nonprofit free standing clinic with no
22 corporate affiliation to another health care facility and which is
23 engaged in providing health care services without compensation or the
24 expectation or promise of compensation, shall be liable for civil
25 damages only for willful or wanton misconduct, in an amount not
26 exceeding 10% of the clinic's gross assets, together with interest and
27 costs of suit.

28 (cf: P.L.1991, c.187, s.48)

29
30 2. (New section) A health care professional licensed pursuant to
31 Title 45 of the Revised Statutes who renders a health care service
32 voluntarily and without compensation or the expectation or promise

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 of compensation is not liable for civil damages for an act or omission
2 resulting from the rendering of the service unless the act or omission
3 was the result of the licensed professional's willful or wanton
4 misconduct. The agreement to provide a voluntary, noncompensated
5 service shall be made before the rendering of the service by the
6 professional.

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8 3. (New section) Notwithstanding any provision of law to the
9 contrary, the State Board of Medical Examiners shall issue a special
10 volunteer license for a physician who otherwise meets the
11 requirements for State licensure but whose practice is limited
12 exclusively to providing medical services without compensation or the
13 expectation or promise of compensation. The board shall waive all
14 licensing fees for the special volunteer license. A special volunteer
15 licensee shall provide medical services only under the direct
16 supervision of a regularly State licensed physician pursuant to chapter
17 9 of Title 45 of the Revised Statutes.

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19 4. This act shall take effect immediately.

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22 STATEMENT

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24 This bill provides immunity to a health care professional licensed
25 pursuant to Title 45 of the Revised Statutes who renders a health care
26 service without compensation or the expectation of compensation,
27 unless the professional's act or omission resulted from willful or
28 wanton misconduct. The agreement to provide a noncompensated
29 service shall precede the rendering of the health care service.

30 Also, the bill places a cap on damages for lawsuits filed against a
31 nonprofit free standing clinic. Liability would not exceed 10% of the
32 clinic's gross assets, unless there was willful or wanton misconduct.

33 The bill directs the State Board of Medical Examiners to issue a
34 special volunteer license for physicians who limit their practices to
35 providing medical services voluntarily and without compensation or
36 the expectation or promise of compensation. Special volunteer
37 licensees would be required to provide services under the direct
38 supervision of a regularly State licensed physician. The board shall
39 waive all licensure fees for a special volunteer license.

40 This bill is similar to legislation enacted in South Carolina, which
41 was instrumental in the formation of "The Volunteers in Medicine
42 Clinic" in Hilton Head, South Carolina.

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3 Provides immunity for volunteer licensed health care professionals and
4 free standing clinics and creates volunteer physician license.