

SCS SB 616 -- COMMUNITY HEALTH CENTER VOLUNTEERS

SPONSOR: Goodman (Wasson)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Professional Registration and Licensing by a vote of 10 to 0.

This substitute specifies that any health plan that provides health care services to low-income individuals on a prepaid basis will not be considered engaging in the business of insurance for the purposes of Chapter 376, RSMo, or any provision of Title XXIV and will not be subject to the jurisdiction of the Department of Insurance, Financial Institutions and Professional Registration if it meets the following conditions:

- (1) Eligibility for the plan is limited to persons who earn less than 200% of the federal poverty level who are not covered under any other group insurance arrangement;
- (2) The plan is operated on a nonprofit basis under the sponsorship of a qualified federal tax-exempt organization;
- (3) Covered primary care services are provided to enrollees by providers on staff of the sponsoring organization or by volunteers recruited from a local medical or osteopathic society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the services provided to the enrollee;
- (4) Payments to outside contractors for marketing, claims administration, and similar services total no more than 10% of the total charges;
- (5) The plan has received the approval and endorsement of the local medical or osteopathic society in consultation with the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons; and
- (6) The sponsoring nonprofit organization files an annual report with the Secretary of State within 90 days of the close of the organization's fiscal year that includes specified information.

Any volunteer or retired volunteer licensed physician, dentist, optometrist, pharmacist, registered nurse, licensed practical nurse, advanced practice registered nurse, psychiatrist, psychologist, professional counselor, or clinical social worker who provides medical or mental health treatment to a patient at a nonprofit faith-based community health center providing health care services for a nominal fee will not be liable for any civil

damages in excess of the health care professional's available insurance for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by the health care professional.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that licensed health care professionals who are volunteering at local organizations providing health care for the working uninsured will be exempt from liability. Certain communities have a high number of service level workers who don't have health insurance, and these clinics give them an opportunity to enter into wellness programs and receive treatment at a reduced rate. These are truly philanthropic programs and supported whole-heartedly by the communities they serve.

Testifying for the bill were Senator Goodman; and Representative Ayres.

OPPONENTS: There was no opposition voiced to the committee.