

**SECTION 11. CIVIL LIABILITY FOR VOLUNTEER HEALTH PRACTITIONERS[; VICARIOUS LIABILITY].**

**ALTERNATIVE A**

(a) Subject to subsection (c), a volunteer health practitioner is not liable for damages for an act or omission of the practitioner while providing health or veterinary services pursuant to this [act].

(b) No person is vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under subsection (a).

**ALTERNATIVE B**

(a) Subject to subsection (c), a volunteer health practitioner is not personally liable for the payment of a judgment based on an act or omission of the practitioner while providing health or veterinary services pursuant to this [act], nor may the practitioner be named as defendant in an action based on such act or omission. However, the practitioner shall be deemed an agent or employee of this state under the [state tort claims act] and the state may be named as defendant and is liable for the payment of a judgment as provided in that [act].

(b) No person, other than this state, is vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the payment of a judgment under subsection (a).

**ALTERNATIVE C**

(a) Subject to subsection (b), a volunteer health practitioner who does not receive compensation in excess of [\$500] per year for providing health or veterinary services pursuant to this [act] is not liable for damages for an act or omission of the practitioner while providing the services. Reimbursement of, or allowance for, reasonable expenses, or continuation of salary while on leave, does not constitute compensation under this subsection.

[b] [c] This section does not limit the liability of a volunteer health practitioner for:

- (1) willful, wanton, grossly negligent, reckless, or criminal conduct;
- (2) an intentional tort;
- (3) a claim for breach of contract;

(4) a claim asserted by a host entity or by an entity located in this or another state that employs or uses the services of a volunteer health practitioner authorized to provide health or veterinary services pursuant to this [act];

(5) an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle for which this state requires the operator to have a valid operator's license or to maintain liability insurance, other than an ambulance or other emergency response vehicle, vessel, or aircraft operated by the practitioner while providing health or veterinary services or transportation pursuant to this [act].

[c] [d] No person is liable for damages for an act or omission relating to the operation or use of, or reliance upon information provided by, a volunteer health practitioner registration system unless the act or omission constitutes an intentional tort or is willful, wanton, grossly negligent, reckless, or criminal in nature.

## **SECTION 12. WORKERS' COMPENSATION COVERAGE**

(a) In this section:

(1) "Benefits" means the benefits that would be provided to an employee of this state under the workers' compensation[, occupational disease,] or similar laws of this state.

(2) "Injury" means a physical or mental injury or disease for which an employee of this state who is injured or who contracts the disease would be entitled to benefits.

(b) A volunteer health practitioner who is not eligible for benefits for injury or death under the workers' compensation[, occupational disease,] or similar laws of this or another state shall be deemed an employee of this state for the purpose of receiving such benefits. Benefits for loss of earning shall be based upon the prior year's earnings of the practitioner but shall not be less than the minimum amount provided by the law of this state for loss of earnings.

(c) The [name of appropriate governmental agency] shall adopt rules, enter into agreements with other states, or take other measures to reasonably facilitate the receipt of benefits by volunteer health practitioners who reside in other states and may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the practitioners. The [name of appropriate governmental agency] shall consult with and consider the approaches taken by similarly empowered agencies in other states to promote uniformity of application.

*[Legislative Note: The bracketed term "occupational disease" should not be used in states that do not have specific occupational disease laws].*