

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

ALTERNATIVE A

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

(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).

(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 which employs or uses the services of the practitioner;

(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].

(d) A person that, pursuant to this [act], operates, uses, or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission constitutes an intentional tort or is willful, wanton, grossly negligent, reckless, or criminal in nature.

ALTERNATIVE B

(a) Subject to subsection (c), a volunteer health practitioner who provides health or veterinary services pursuant to this [act] is not liable for the payment of a judgment based on an act or omission of the practitioner in providing those services and may not be named as a defendant in an action based on such an act or omission. However, a volunteer health practitioner is deemed to be an agent or employee of this state under [cite the state tort claims act] while providing health or veterinary services pursuant to this [act], and the state may be named as defendant and is liable for the payment of any judgment based upon an act or omission of the practitioner as provided in [the tort claims

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 based on the act or omission under subsection (a).

(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 which employs or uses the services of the practitioner;

(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].

(d) A person that, pursuant to this [act], operates, uses, or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission constitutes an intentional tort or is willful, wanton, grossly negligent, reckless, or criminal in nature.

ALTERNATIVE C

(a) Subject to subsection (b), a volunteer health practitioner who does not receive compensation that exceeds [\$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 in providing those services. Reimbursement of, or allowance for, reasonable expenses, or continuation of salary while on leave, does not constitute compensation under this subsection.

(b) 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 which employs or uses the services of the practitioner;

(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) A person that, pursuant to this [act], operates, uses, or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use, or reliance 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, "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 provides health or veterinary services pursuant to this [act] and who is not otherwise eligible for benefits for injury or death under the workers' compensation[, occupational disease,] or similar laws of this or another state is deemed to be an employee of this state for the purpose of receiving such benefits. Benefits under this subsection for loss of earnings must be based upon the earnings of the practitioner for the previous calendar year but may 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 facilitate the receipt of benefits for injury or death under the workers' compensation[, occupational disease,] or similar laws of this state 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. To promote uniformity of application of this [act] with other states that enact similar legislation, the [name of appropriate governmental agency] shall consult with and consider the approaches taken by similarly empowered agencies in other states.

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