

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-106 of the Code of Virginia, relating to liability of certain health*  
3 *care practitioners.*

4  
5 Approved

[S 423]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 54.1-106 of the Code of Virginia is amended and reenacted as follows:**

8 § 54.1-106. Health care professionals rendering services to patients of certain clinics exempt from  
9 liability.

10 A. No person who is licensed or certified by the Boards of/for Audiology and Speech-Language  
11 Pathology; Counseling; Dentistry; Medicine; Nursing; Optometry; Opticians; Pharmacy; Hearing Aid  
12 Specialists; Psychology; or Social Work or who holds a multistate licensure privilege to practice nursing  
13 issued by the Board of Nursing who renders at any site any health care services within the limits of his  
14 license, certification or licensure privilege, voluntarily and without compensation, to any patient of any  
15 clinic which is organized in whole or in part for the delivery of health care services without charge *or*  
16 *any clinic for the indigent and uninsured that is organized for the delivery of primary health care*  
17 *services as a federally qualified health center designated by the Centers for Medicare & Medicaid*  
18 *Services*, shall be liable for any civil damages for any act or omission resulting from the rendering of  
19 such services unless the act or omission was the result of his gross negligence or willful misconduct.

20 For purposes of this section, any commissioned or contract medical officers or dentists serving on  
21 active duty in the United States armed services and assigned to duty as practicing commissioned or  
22 contract medical officers or dentists at any military hospital or medical facility owned and operated by  
23 the United States government shall be deemed to be licensed pursuant to this title.

24 B. For the purposes of Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of Title 2.2, any person rendering  
25 such health care services who (i) is registered with the Division of Risk Management and (ii) has no  
26 legal or financial interest in the clinic from which the patient is referred shall be deemed an agent of the  
27 Commonwealth and to be acting in an authorized governmental capacity with respect to delivery of such  
28 health care services. The premium for coverage of such person under the Risk Management Plan shall  
29 be paid by the Department of Health.

30 C. For the purposes of this section and Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of Title 2.2,  
31 "delivery of health care services without charge" shall be deemed to include the delivery of dental,  
32 medical or other health services when a reasonable minimum fee is charged to cover administrative  
33 costs.

ENROLLED

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