

# 1995 SESSION

INTRODUCED

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## SENATE BILL NO. 1105

Offered January 23, 1995

*A BILL to amend and reenact § 54.1-106 of the Code of Virginia, relating to immunity for certain health care personnel.*

Patrons—Earley, Holland, C.A. and Quayle; Delegates: Forbes, Nelms and Spruill

Referred to the Committee on Education and Health

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

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

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

A. No person who is licensed or certified by the Boards of/for Audiology and Speech-Language Pathology, Dentistry, Medicine, Nursing, Optometry, Opticians, Pharmacy, Hearing Aid Specialists, Psychology, Social Work or Professional Counselors who renders at any site any health care services within the limits of his license or certification, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge, shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of his gross negligence or willful misconduct.

*For purposes of this section, physicians serving on active duty in the United States armed services and assigned to duty as a practicing physician at a military hospital or medical facility owned and operated by the United States government and which is located in the Commonwealth shall be deemed to be licensed physicians.*

B. For the purposes of Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of Title 2.1, any person rendering such health care services who (i) is registered with the Division of Risk Management and (ii) has no legal or financial interest in the clinic from which the patient is referred shall be deemed an agent of the Commonwealth and to be acting in an authorized governmental capacity with respect to delivery of such health care services. The premium for coverage of such person under the Risk Management Plan shall be paid by the Department of Health.

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