

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-106 of the Code of Virginia, relating to charity health care*
3 *services; liability protection for administrators.*

4 [H 1748]

5 Approved

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 and**
9 **administrators of such services exempt from 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 *Additionally, no person who administers, organizes, arranges, or promotes such services shall be liable*
21 *to patients of clinics described in this section for any civil damages for any act or omission resulting*
22 *from the rendering of such services unless the act or omission was the result of his or the clinic's gross*
23 *negligence or willful misconduct.*

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

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

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

ENROLLED

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