

*Tenn. Code Ann. § 63-6-701*

TENNESSEE CODE ANNOTATED  
© 2015 by The State of Tennessee  
All rights reserved

\*\*\* Current through the 2015 Regular Session and amendments approved at the November 4, 2014 General Election \*\*\*

Title 63 Professions Of The Healing Arts  
Chapter 6 Medicine and Surgery  
Part 7 Volunteer Health Care Services Act

Tenn. Code Ann. § 63-6-701 (2015)

**63-6-701. Short title.**

This part shall be known and may be cited as the "Volunteer Health Care Services Act."

**HISTORY:** Acts 1995, ch. 299, § 1.

**63-6-702. Legislative findings.**

(a) The general assembly finds that:

- (1) Access to high quality health care services is a concern of all persons;
- (2) Access to such services is severely limited for some residents of this state, particularly those who reside in remote, rural areas or in the inner city;
- (3) Physicians and other health care professionals have traditionally worked to assure broad access to health care services; and
- (4) Many health care providers from Tennessee and elsewhere are willing to volunteer their services to address the health care needs of Tennesseans who may otherwise not be able to obtain such services.

(b) The general assembly further finds that it is the public policy of this state to encourage and facilitate voluntary provision of health care services.

**63-6-703. Part definitions.**

As used in this part, unless the context otherwise requires:

- (1) "Free clinic" means a not for profit, out-patient, non-hospital facility in which a health care provider engages in the voluntary provision of health care services to patients without charge to the recipient of the services or to a third party;
- (2) "Health care provider" means any physician, surgeon, dentist, nurse, optometrist or other practitioner of a health care discipline, the professional practice of which requires

licensure or certification under the provisions of this title or under a comparable provision of law of another state, territory, district or possession of the United States;

**(3)** "Licensed health care provider" means any health care provider holding a current license or certificate issued under:

**(A)** This title; or

**(B)** A comparable provision of the law of another state, territory, district or possession of the United States;

**(4)** "Regularly practice" means to practice for more than sixty (60) days within any ninety-day period;

**(5)** "Sponsoring organization" means any organization that organizes or arranges for the voluntary provision of health care services and that registers with the department of health as a sponsoring organization in accordance with § 63-6-706 and charges recipients based on one (1) of the following criteria:

**(A)** On a sliding scale according to income;

**(B)** A fee at the time of service of no more than fifty dollars (\$50.00); or

**(C)** No fee to the recipient; and

**(6)** "Voluntary provision of health care services" means the providing of professional health care services by the health care provider either without charge to the recipient of the services or to a third party, or recipients are charged on a sliding scale according to income. Nothing shall preclude a health care provider from collecting the charges described in subdivision (5)(B) on behalf of the sponsoring organization as long as the health care provider retains none of the payment and forwards all collections to the sponsoring organization.

**HISTORY:** Acts 1995, ch. 299, § 3; 2009, ch. 581, § 1; 2013, ch. 235, § 1; 2014, ch. 575, § 1; 2014, ch. 615, § 1.

#### **63-6-704. Licensure requirements.**

**(a)** Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of this title is necessary for the voluntary provision of health care services by any person who:

**(1)** Is a duly licensed health care provider as defined under § 63-6-703; or

**(2)** Lawfully practices under an exception to the licensure or certification requirements of any state, territory, district or possession of the United States; provided, that the person does not and will not regularly practice in Tennessee.

**(b)** The provisions of subsection (a) does not apply to any person whose license or certificate is suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. Furthermore, the provisions of subsection (a) do not apply to a licensed health care provider who renders services outside the scope of practice authorized by the provider's licensure, certification or exception to such licensure or certification.

**63-6-705. Applicability.**

With regard to a person who voluntarily provides health care services and who is covered by the provisions of § 63-6-704(a), the prohibitions expressed in § 63-6-202, relative to itinerant physicians, shall not apply and all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate or statement of exemption.

**63-6-706. Registration requirements -- Revocation.**

**(a) (1)** Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health by submitting a registration fee of fifty dollars (\$50.00) and filing a registration form. The fifty-dollar registration fee shall not apply to any sponsoring organization as defined in § 63-6-703 when providing volunteer health care services in cases of natural or man-made disasters. Such registration form shall contain:

**(A)** The name of the sponsoring organization;

**(B)** The name of principal individual or individuals who are the officers or organizational officials responsible for the operation of the sponsoring organization;

**(C)** The address, including street, city, zip code and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in subdivision (a)(1)(B);

**(D)** Telephone numbers for the principal office of the sponsoring agency and each principal or official listed in subdivision (a)(1)(B); and

**(E)** Such additional information as the department shall require.

**(2)** Upon any change in the information required under subdivision (a)(1), the sponsoring organization shall notify the department in writing of such change within thirty (30) days of its occurrence.

**(b)** The sponsoring organization shall file a quarterly voluntary services report with the department during the current quarter that lists all licensed health care providers who provided voluntary health care services during the preceding quarter. The sponsoring organization shall maintain on file for five (5) years following the date of service additional information, including the date, place and type of services provided.

**(c)** Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health services. For each such health care provider, the

organization shall maintain a copy of a current license, certificate or statement of exemption from licensure or certification or, in the event that the health care provider is currently licensed in the state of Tennessee, a copy of the health care provider's license verification obtained from a state-sponsored web site.

**(d)** The sponsoring organization shall maintain such records for a period of at least five (5) years following the provision of health care services and shall furnish such records upon request to any regulatory board established under this title.

**(e)** Compliance with subsections (a) and (b) shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

**(f)** The department may revoke the registration of any sponsoring organization that fails to comply with the requirements of subsections (a)-(e). Any such revocation shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

#### **63-6-707. Liability insurance coverage.**

No contract of professional liability insurance covering a health care provider in this state, issued or renewed on or after May 26, 1995, shall exclude coverage to any provider who engages in the voluntary provision of health care services; provided, that the sponsoring organization and the health care provider comply with the requirements of this part.

#### **63-6-708. Immunity for voluntary provision of health care services.**

**(a) (1)** No person who is licensed, certified or authorized by the board of any of the professions of the healing arts, as enumerated in this title, 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 such person's gross negligence or willful misconduct if the person:

**(A)** Is engaging in the voluntary provision of health care services within the limits of the person's license, certification or authorization; and

**(B)** The services are delivered to any patient of:

**(i)** A sponsoring organization; or

**(ii)** A free clinic.

**(2)** The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from anyone for the free care. Nor shall such services be part of the provider's training or assignment.

**(3)** The volunteer licensee must be acting within the scope of such license, certification or authority.

**(4)** A health care licensee providing free health care shall not engage in activities at a

clinic or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless those activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable rules and regulations.

**(b)** For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States armed forces and assigned to duty as a practicing, commissioned or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed pursuant to this part.

**63-6-709. Liability of volunteer crisis response team member -- Applicability.**

**(a) (1)** "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster;

**(2)** "Crisis response services" means consultation, risk assessment, referral and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

**(3)** "Critical incident stress management team member," referred to also as "team member," means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

**(4)** "Registered team" means a team formally registered with a recognized training agency. For the purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the National Red Cross, the Tennessee Public Safety Network and other such organizations;

**(5)** "Training session" means a session providing crisis response training by a qualified, trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (a)(4); and

**(6)** "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

**(b) (1)** Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or an omission of a crisis response team member during the course of a crisis intervention.

**(2)** Subdivision (b)(1) shall not apply unless the intervention or training is conducted within generally accepted protocols of a registered team as defined by a nationally recognized accrediting agency.

**(c)** The tort immunity in subsection (b) does not apply if:

- (1) The team member acted with actual malice or willful intent to injure the subject;
- (2) The team member acted outside the scope of assigned duties;
- (3) The team member acted without team coordination and dispatch;
- (4) The action involved the commission of a crime;
- (5) The action involved sexual harassment, sexual or physical abuse;
- (6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards; or
- (7) If damages resulted from gross negligence of the team member.

**63-6-710. Free clinics for veterans -- Use of armory as site.**

(a) This section may be known and cited as the "Kenneth Harry-Hill Tennessee Veterans Health Care Act of 2015." This section may also be known as the "Mission Tennessee for Veterans Program."

(b) In addition to any other health care authorized by this part, a licensed healthcare provider who is a member of the national guard in this state, under title 58, chapter 1, part 2, may provide healthcare services to veterans and other persons who lack health insurance at a free clinic operated on the site of an armory, as defined in § 58-1-507. The free clinic is authorized to provide limited primary health care, but not emergency care or urgent care services. Healthcare providers rendering services under this subsection (b) shall be deemed to be engaging in the voluntary provision of healthcare services under this part.

(c) (1) The military department is authorized to permit the use of an armory as a site of a free clinic on a temporary basis.

(2) The military department is also authorized to permit members of the national guard who are licensed healthcare providers in this state to volunteer at free clinics operated at an armory under this section.

(3) The military department is authorized to accept donations of medical supplies and services to assist the operation of a free clinic at an armory under this section.

(d) A free clinic operating under this section is authorized to participate in appropriate networks and public information activities in order to facilitate access to free healthcare services by veterans.

(e) The commissioner of health is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**(f)** For the purposes of this section, "veteran" means a Tennessee resident who has entered and served in the United States armed forces and who was discharged or released therefrom under conditions other than dishonorable.