

ASSEMBLY, No. 2178

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 2, 2012

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

SYNOPSIS

Provides civil immunity for certain volunteer physicians, nonprofit clinics, and federally qualified health centers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT providing civil immunity for certain volunteer physicians,
2 nonprofit clinics, and federally qualified health centers and
3 supplementing Title 2A of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. A volunteer physician who cares for or treats patients at a
9 nonprofit free-standing clinic that is not owned or controlled by a
10 licensed health care facility or at a federally qualified health center,
11 and the clinic or center and its trustees, directors, officers,
12 employees, agents, and volunteers, as applicable, shall be immune
13 from civil liability for any personal injury, including a personal
14 injury that is a result of care or treatment received at the clinic or
15 center, if the care or treatment was reasonably provided in good
16 faith; except that the immunity granted under this section does not
17 extend to an act or omission that was the result of gross negligence
18 or willful or wanton misconduct or the negligent operation of a
19 motor vehicle. The immunity provided to the clinic or center
20 pursuant to this section shall only apply to care or treatment
21 provided by the physician pursuant to this section.

22 b. The patient and the volunteer physician shall agree to the
23 provision of uncompensated patient care or treatment and the
24 immunity granted pursuant to this section prior to the rendering of
25 the patient care or treatment by the physician.

26 c. As used in this section, "volunteer physician" means a
27 retired physician who remains licensed pursuant to chapter 9 of
28 Title 45 of the Revised Statutes at the time the physician provides
29 care or treatment pursuant to this act and whose professional
30 practice is limited to providing patient care or treatment exclusively
31 without compensation or the expectation or promise of
32 compensation.

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34 2. This act shall take effect immediately.

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37 STATEMENT

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39 This bill provides immunity from civil liability to certain retired
40 physicians providing patient care or treatment at nonprofit free-
41 standing clinics and federally qualified health centers (FQHCs) on a
42 volunteer basis and provides immunity to these clinics and FQHCs
43 with respect to the care or treatment provided by the physicians.

44 The bill provides that a volunteer physician, who provides
45 patient care or treatment to patients at a nonprofit free-standing
46 clinic that is not owned or controlled by a licensed health care
47 facility or at a FQHC, and the clinic or FQHC and its trustees,
48 directors, officers, employees, agents, and volunteers, as applicable,

1 are immune from civil liability for personal injury, if the care or
2 treatment was reasonably provided in good faith. No immunity,
3 however, is to be provided for gross negligence or willful or wanton
4 misconduct or the negligent operation of a motor vehicle.

5 The bill defines “volunteer physician” to mean a retired
6 physician who remains licensed pursuant to chapter 9 of Title 45 of
7 the Revised Statutes at the time the physician provides care or
8 treatment pursuant to this bill and whose professional practice is
9 limited to providing patient care or treatment exclusively without
10 compensation or the expectation or promise of compensation.

11 A patient and the volunteer physician must agree to the provision
12 of uncompensated patient care or treatment and the immunity
13 granted under the bill prior to the rendering of the patient care or
14 treatment.