

ASSEMBLY, No. 3437

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Provides civil immunity to licensed health care professionals who provide care at health care facilities for no compensation.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning immunity from civil liability for certain health
2 care professionals and supplementing Title 2A of the New Jersey
3 Statutes.

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

7
8 1. a. As used in this act:

9 “Licensed health care facility” means a health care facility
10 licensed by the Department of Health and Senior Services pursuant
11 to P.L.1971, c.136 (26:2H-1 et seq.); and

12 “Licensed health care professional” means a person licensed or
13 otherwise authorized pursuant to Title 45 or Title 52 of the Revised
14 Statutes to practice a health care profession that is regulated by the
15 Director of the Division of Consumer Affairs in the Department of
16 Law and Public Safety or by one of the following boards: the State
17 Board of Medical Examiners, the New Jersey Board of Nursing, the
18 New Jersey State Board of Dentistry, the New Jersey State Board of
19 Optometrists, the New Jersey State Board of Pharmacy, the State
20 Board of Chiropractic Examiners, the Acupuncture Examining
21 Board, the State Board of Physical Therapy, the State Board of
22 Respiratory Care, the Orthotics and Prosthetics Board of Examiners,
23 the State Board of Psychological Examiners, the State Board of
24 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
25 the Audiology and Speech-Language Pathology Advisory
26 Committee, the State Board of Marriage and Family Therapy
27 Examiners, the Occupational Therapy Advisory Council, and the
28 Certified Psychoanalysts Advisory Committee.

29 b. A licensed health care professional who cares for or treats a
30 patient at a licensed health care facility, or a nonprofit free-standing
31 clinic that is not owned or controlled by a licensed health care
32 facility, and who does not bill for, otherwise receive any
33 compensation for, or have any expectation to receive compensation
34 for, the care or treatment provided,
35 shall be immune from civil liability for any personal injury that is a
36 result of the uncompensated care or treatment provided by that
37 professional to the patient; except that the immunity granted under
38 this act shall not extend to an act or omission that, by clear and
39 convincing evidence, was the result of gross negligence or willful
40 or wanton misconduct.

41 c. Prior to rendering any care or treatment pursuant to this act,
42 the health care professional, or his designee, shall inform the patient
43 of the immunity granted pursuant to this act.

44
45 2. This act shall take effect on the 60th day following
46 enactment and shall apply to care and treatment rendered on or after
47 the effective date.

STATEMENT

This bill provides that a licensed health care professional who:

- cares for or treats a patient at a licensed health care facility (including a federally qualified health care center), or a nonprofit free-standing clinic that is not owned or controlled by a licensed health care facility; and
- does not bill for, otherwise receive any compensation for, or have any expectation to receive compensation for, the care or treatment provided,

shall be immune from civil liability for any personal injury that is a result of the uncompensated care or treatment provided by that professional to the patient. The immunity granted under this bill shall not extend to an act or omission that, by clear and convincing evidence, was the result of gross negligence or willful or wanton misconduct.

The bill further provides that, prior to rendering any care or treatment, the health care professional, or his designee, shall inform the patient of the immunity granted pursuant to this bill.

The bill defines “licensed health care professional” to mean a person licensed or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes to practice a health care profession that is regulated by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or by a State licensing board, and includes, but is not limited to, physicians, nurses, dentists, physician assistants, psychologists, optometrists, pharmacists, chiropractors, acupuncturists, physical and occupational therapists, audiologists, and marriage and family therapists.

The bill takes effect on the 60th day following enactment and applies to care and treatment rendered on or after the effective date.