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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-41

"Health Care Professional Volunteer Assistance
Protection Amendment Act of 1991".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-42 on first and second readings, June 4, 1991, and July 2, 1991, respectively. Following the signature of the Mayor on July 24, 1991, this legislation was assigned Act No. 9-78, published in the August 9, 1991, edition of the D.C. Register, (Vol. 38 page 4979) and transmitted to Congress on July 25, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that this legislation became effective on the date that the President of the United States signed P. L. 102-105* on August 17, 1991, and therefore, cites this enactment as D.C. Law 9-41, effective August 17, 1991.



JOHN A. WILSON
Chairman of the Council

* Public Law 102-105 waived the 30-day Congressional Review Period for this Law.

AN ACT

Codification

District of Columbia Code

D.C. ACT 9-78

(1992 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 1991

To amend the Free Clinic Assistance Program Act of 1986 to authorize a free clinic the option to bill a third-party insurer, with the written consent of a client, and to amend the Good Samaritan Act of the District of Columbia by extending limited immunity to physicians, nurses, and nurse-midwives who volunteer their services in free clinics in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Professional Volunteer Assistance Protection Amendment Act of 1991".

Sec. 2. The Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Code §1-308.1 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Code §1-308.1(2)) is amended by adding a new subparagraph (G) to read as follows:

Section
1-308.1

"(G) Accepts third-party payments from health insurance providers for their services only where the patient consents in writing to the filing of a claim for benefits to which the patient is eligible."

(b) Subsection 2(2)(E) (D.C. Code §1-308.1(2)(E)) is amended by striking the phrase "high-risk prenatal care,".

Section
1-308.1

(c) Section 3(a) (D.C. Code §1-308.2(a)) is amended by adding at the end of the third sentence ", except negligence claims for which the clinic is immune pursuant to section 2 of An Act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Code §2-1344)."

Section
1-308.2

Sec. 3. An Act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Code §2-1344), is amended by adding a new section 2 to read as follows:

Section
2-1344

"Sec. 2. Health care professional volunteer assistance protection.

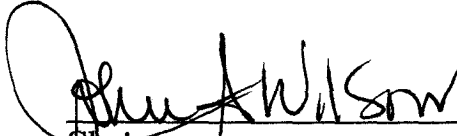
"(a) A licensed physician, registered nurse, or nurse-midwife certified or practicing in the specialty of obstetrics or gynecology who in good faith provides health care or treatment at a free health clinic operating lawfully in the District of Columbia without the expectation of receiving or intending to receive compensation shall not be liable in civil damages for any act or omission in the course of rendering the health


care or treatment, unless the act or omission is an intentional wrong or manifests a wilfull or wanton disregard for the health or safety of others.

"(b) A licensed physician, registered nurse, or nurse-midwife providing medical care or assistance in obstetrics or gynecology in accordance with subsection (a) shall provide and shall require his or her prospective client to sign a written statement witnessed by 2 persons in which the parties agree to the rendering of the health care or treatment.

"(c) The immunity provided in subsection (a) of this section shall apply to any claim, arising out of health care or treatment given under subsection (a) of this section against: (1) District of Columbia public health clinics; and (2) a free clinic, and the District of Columbia as an indemnifier of such a free clinic, which meets the eligibility requirements of section 2(2) of the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Code §1-308.1(2)).".

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 24, 1991



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-42

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-4-91

VOICE VOTE:

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT Approved (8 / 2 / 3 / 0)

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for 16 members: CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date July 22, 1991

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-2-91

VOICE VOTE:

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT Approved (8 / 2 / 3 / 0)

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for 16 members: CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date July 22, 1991

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for 16 members: CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date