

110TH CONGRESS  
2D SESSION

# S. 3354

To award grants for the establishment of demonstration programs to enable States to develop volunteer healthcare programs.

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## IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JULY 28), 2008

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To award grants for the establishment of demonstration programs to enable States to develop volunteer healthcare programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Volunteer Healthcare  
5 Program Act of 2008”.

6 **SEC. 2. PURPOSES.**

7 It is the purpose of this Act to provide grants to  
8 States to—

1           (1) promote access to quality health and dental  
2           care for the medically underserved and uninsured  
3           through the commitment of volunteers; and

4           (2) encourage and enable healthcare providers  
5           to provide health services to eligible individuals by  
6           providing sovereign immunity protection for the pro-  
7           vision of uncompensated services.

8 **SEC. 3. GRANTS TO STATES TO ESTABLISH AND EVALUATE**  
9                           **HEALTHCARE VOLUNTEER INDEMNITY PRO-**  
10                           **GRAMS.**

11           Part P of title III of the Public Health Service Act  
12           (42 U.S.C. 280g et seq.) is amended by adding at the end  
13           the following:

14 **“SEC. 399R. GRANTS TO STATES TO ESTABLISH AND EVALU-**  
15                           **ATE HEALTHCARE VOLUNTEER INDEMNITY**  
16                           **PROGRAMS.**

17           “(a) IN GENERAL.—The Secretary shall award a  
18           grant to an eligible State to enable such State to establish  
19           a demonstration program to—

20                   “(1) promote access to quality health and den-  
21                   tal care for the medically underserved and uninsured  
22                   through the commitment of volunteer healthcare  
23                   providers; and

24                   “(2) encourage and enable healthcare providers  
25                   to provide health services to eligible individuals, and

1 ensure that eligible individuals have the right to re-  
2 cover damages for medical malpractice (in accord-  
3 ance with State law) by providing sovereign immu-  
4 nity protection for the provision of uncompensated  
5 services.

6 “(b) ELIGIBILITY.—To be eligible to receive a grant  
7 under subsection (a), a State shall—

8 “(1) submit to the Secretary an application at  
9 such time, in such manner, and containing such in-  
10 formation as the Secretary may require;

11 “(2) provide assurances that the State will not  
12 permit hospitals to enroll individuals seeking care in  
13 emergency departments into the State program; and

14 “(3) provide assurances that the State will pro-  
15 vide matching funds in accordance with subsection  
16 (e).

17 “(c) USE OF FUNDS.—

18 “(1) IN GENERAL.—A State shall use amounts  
19 received under a grant under this section to estab-  
20 lish a demonstration program under which—

21 “(A) the State will arrange for the provi-  
22 sion of health and dental care to eligible indi-  
23 viduals (as determined under subsection (d))  
24 participating in the State program;

1           “(B) ensure that the health and dental  
2 care under paragraph (1) is provided by quali-  
3 fied healthcare providers that do not receive  
4 any form of compensation or reimbursement for  
5 the provision of such care;

6           “(C) sovereign immunity is extended to  
7 qualified healthcare providers (as defined in  
8 paragraph (2)) for the provision of care to eligi-  
9 ble individuals under the State program under  
10 this section;

11           “(D) the State will agree not to impose  
12 any additional limitations or restrictions on the  
13 recovery of damages for negligent acts, other  
14 than those in effect on date of the establish-  
15 ment of the demonstration program;

16           “(E) the State will use more than 5 per-  
17 cent of amounts received under the grant to  
18 conduct an annual evaluation, and submit to  
19 the Secretary a report concerning such evalua-  
20 tion, of the State program and the activities  
21 carried out under the State program.

22           “(2) QUALIFIED HEALTHCARE PROVIDERS.—

23           “(A) IN GENERAL.—The term ‘qualified  
24 healthcare provider’ means a healthcare pro-  
25 vider described in subparagraph (B) that—

1           “(i) is licensed by the State to provide  
2           the care involved and is providing such  
3           care in good faith while acting within the  
4           scope of the provider’s training and prac-  
5           tice;

6           “(ii) is in good standing with respect  
7           to such license and not on probation;

8           “(iii) is not, or has not been, subject  
9           to Medicare or Medicaid sanctions under  
10          title XVIII or XIX of the Social Security  
11          Act; and

12          “(iv) is authorized by the State to  
13          provide health or dental care services  
14          under the State program under this sec-  
15          tion.

16          “(B)        PROVIDER        DESCRIBED.—A  
17          healthcare provider described in this subpara-  
18          graph includes—

19                “(i) an ambulatory surgical center;

20                “(ii) a hospital or nursing home;

21                “(iii) a physician or physician of os-  
22                teopathic medicine;

23                “(iv) a physician assistant;

24                “(v) a chiropractic practitioner;

25                “(vi) a physical therapist;

1           “(vii) a registered nurse, nurse mid-  
2           wife, licensed practical nurse, or advanced  
3           registered nurse practitioner;

4           “(viii) a dentist or dental hygienist;

5           “(ix) a professional association, pro-  
6           fessional corporation, limited liability com-  
7           pany, limited liability partnership, or other  
8           entity that provides, or has members that  
9           provide, health or dental care services;

10           “(x) a non-profit corporation qualified  
11           as exempt from Federal income taxation  
12           under section 501(c) of the Internal Rev-  
13           enue Code of 1986; and

14           “(xi) a federally funded community  
15           health center, volunteer corporation, or vol-  
16           unteer healthcare provider that provides  
17           health or dental care services.

18           “(d) PRIORITY.—Priority in awarding grants under  
19           this section shall be given the States that will provide  
20           health or dental care under the State program under this  
21           section, to individuals that—

22           “(1) have a family income that does not exceed  
23           200 percent of the Federal poverty line (as defined  
24           in section 673(2) of the Community Health Services  
25           Block Grant Act) for a family of the size involved;

1           “(2) are not be covered under any health or  
2           dental insurance policy or program (as determined  
3           under applicable State law); and

4           “(3) are determined to be eligible for care, and  
5           referred for such care, by the State department of  
6           health or other entity authorized by the State for  
7           purposes of administering the State program under  
8           this section.

9           “(e) PROVISION OF INFORMATION.—A State shall en-  
10          sure that prior to the enrollment under a State program  
11          under this section, the individual involved shall be fully  
12          informed of the limitation on liability provided for under  
13          subsection (c)(1)(C) with respect to the provider involved  
14          and shall sign a waiver consenting to such care.

15          “(f) MATCHING REQUIREMENT.—

16                 “(1) IN GENERAL.—The Secretary may not  
17                 award a grant to a State under this section unless  
18                 the State agrees, with respect to the costs to be in-  
19                 curred by the State in carrying out activities under  
20                 the grant, to make available non-Federal contribu-  
21                 tions (in cash or in kind under paragraph (2)) to-  
22                 ward such costs in an amount equal to not less than  
23                 \$1 for each \$3 of Federal funds provided in the  
24                 grant. Such contributions may be made directly or  
25                 through donations from public or private entities.

1           “(2) DETERMINATION OF AMOUNT OF NON-  
2 FEDERAL CONTRIBUTION.—

3           “(A) IN GENERAL.—Non-Federal contribu-  
4 tions required in paragraph (1) may be in cash  
5 or in kind, fairly evaluated, including equipment  
6 or services (and excluding indirect or overhead  
7 costs). Amounts provided by the Federal Gov-  
8 ernment, or services assisted or subsidized to  
9 any significant extent by the Federal Govern-  
10 ment, may not be included in determining the  
11 amount of such non-Federal contributions.

12           “(B) MAINTENANCE OF EFFORT.—In  
13 making a determination of the amount of non-  
14 Federal contributions for purposes of paragraph  
15 (1), the Secretary may include only non-Federal  
16 contributions in excess of the average amount  
17 of non-Federal contributions made by the State  
18 involved toward the purpose for which the grant  
19 was made for the 2-year period preceding the  
20 first fiscal year for which the State is applying  
21 to receive a grant under this section.

22           “(g) ADMINISTRATIVE PROVISIONS.—

23           “(1) AMOUNT OF GRANT.—The amount of a  
24 grant under this section shall not exceed \$600,000  
25 per year for not more than 5 fiscal years.

1           “(2) NUMBER OF GRANTS.—The Secretary  
2 shall not award more than 15 grants under this sec-  
3 tion.

4           “(h) EVALUATION.—Not later than 3 years after the  
5 date of enactment of this section, and annually thereafter,  
6 the Secretary shall conduct an evaluation of the activities  
7 carried out by States under this section, and submit to  
8 the appropriate committees of Congress a report con-  
9 cerning the results of such evaluation.

10          “(i) AUTHORIZATION OF APPROPRIATIONS.—

11           “(1) IN GENERAL.—There is authorized to be  
12 appropriated such sums as may be necessary to  
13 carry out this section.

14           “(2) EVALUATIONS.—The Secretary shall use 5  
15 percent of the amount appropriated under para-  
16 graph (1) for each fiscal year to carry out evalua-  
17 tions under subsection (h).”.

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