

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1876  
OFFERED BY MRS. BLACKBURN OF TENNESSEE**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Good Samaritan  
3 Health Professionals Act of 2018”.

**4 SEC. 2. LIMITATION ON LIABILITY FOR VOLUNTEER  
5 HEALTH CARE PROFESSIONALS.**

6       (a) IN GENERAL.—Title II of the Public Health Serv-  
7 ice Act (42 U.S.C. 202 et seq.) is amended by inserting  
8 after section 224 the following:

**9 “SEC. 224A. LIMITATION ON LIABILITY FOR VOLUNTEER  
10 HEALTH CARE PROFESSIONALS.**

11       “(a) LIMITATION ON LIABILITY.—Except as provided  
12 in subsection (b), a health care professional shall not be  
13 liable under Federal or State law for any harm caused  
14 by an act or omission of the professional in the provision  
15 of health care services if—

16               “(1) the professional is serving, for purposes of  
17 responding to a disaster, as a volunteer; and

18               “(2) the act or omission occurs—

1           “(A) during the period of the disaster, as  
2           determined under the laws listed in subsection  
3           (d)(1);

4           “(B) in the health care professional’s ca-  
5           pacity as a volunteer;

6           “(C) in the course of providing services  
7           that are within the scope of the license, reg-  
8           istration, or certification of the volunteer, as de-  
9           fined by the State of licensure, registration, or  
10          certification; and

11          “(D) in a good faith belief that the indi-  
12          vidual being treated is in need of health care  
13          services.

14          “(b) EXCEPTIONS.—Subsection (a) does not apply  
15          if—

16               “(1) the harm was caused by an act or omission  
17               constituting willful or criminal misconduct, gross  
18               negligence, reckless misconduct, or a conscious fla-  
19               grant indifference to the rights or safety of the indi-  
20               vidual harmed by the health care professional; or

21               “(2) the health care professional rendered the  
22               health care services under the influence (as deter-  
23               mined pursuant to applicable State law) of alcohol  
24               or an intoxicating drug.

25          “(c) PREEMPTION.—

1           “(1) IN GENERAL.—This section preempts the  
2       laws of a State or any political subdivision of a State  
3       to the extent that such laws are inconsistent with  
4       this section, unless such laws provide greater protec-  
5       tion from liability.

6           “(2) VOLUNTEER PROTECTION ACT.—Protec-  
7       tions afforded by this section are in addition to those  
8       provided by the Volunteer Protection Act of 1997.

9       “(d) DEFINITIONS.—In this section:

10           “(1) The term ‘disaster’ means—

11               “(A) a national emergency declared by the  
12           President under the National Emergencies Act;

13               “(B) an emergency or major disaster de-  
14           clared by the President under the Robert T.  
15           Stafford Disaster Relief and Emergency Assist-  
16           ance Act; or

17               “(C) a public health emergency that is de-  
18           termined by the Secretary under section 319 of  
19           this Act with respect to one or more States  
20           specified in such determination—

21                   “(i) during only the initial period cov-  
22           ered by such determination; and

23                   “(ii) excluding any period covered by  
24           a renewal of such determination.

1           “(2) The term ‘harm’ includes physical, non-  
2           physical, economic, and noneconomic losses.

3           “(3) The term ‘health care professional’ means  
4           an individual who is licensed, registered, or certified  
5           under Federal or State law to provide health care  
6           services.

7           “(4) The term ‘health care services’ means any  
8           services provided by a health care professional, or by  
9           any individual working under the supervision of a  
10          health care professional, that relate to—

11                 “(A) the diagnosis, prevention, or treat-  
12                 ment of any human disease or impairment; or

13                 “(B) the assessment or care of the health  
14                 of a human being.

15          “(5) The term ‘State’ includes each of the sev-  
16          eral States, the District of Columbia, the Common-  
17          wealth of Puerto Rico, the Virgin Islands, Guam,  
18          American Samoa, the Northern Mariana Islands,  
19          and any other territory or possession of the United  
20          States.

21          “(6)(A) The term ‘volunteer’ means a health  
22          care professional who, with respect to the health  
23          care services rendered, does not receive—

24                         “(i) compensation; or

1           “(ii) any other thing of value in lieu of  
2           compensation, in excess of \$500 per year.

3           “(B) For purposes of subparagraph (A), the  
4           term ‘compensation’—

5           “(i) includes payment under any insurance  
6           policy or health plan, or under any Federal or  
7           State health benefits program; and

8           “(ii) excludes—

9           “(I) reasonable reimbursement or al-  
10          lowance for expenses actually incurred;

11          “(II) receipt of paid leave; and

12          “(III) receipt of items to be used ex-  
13          clusively for rendering the health services  
14          in the health care professional’s capacity  
15          as a volunteer described in subsection  
16          (a)(1).”.

17       (b) EFFECTIVE DATE.—

18           (1) IN GENERAL.—This Act and the amend-  
19          ment made by subsection (a) take effect 90 days  
20          after the date of the enactment of this Act.

21           (2) APPLICATION.—This Act applies to a claim  
22          for harm only if the act or omission that caused  
23          such harm occurred on or after the effective date de-  
24          scribed in paragraph (1).

1   **SEC. 3. SENSE OF THE CONGRESS.**

2       It is the sense of the Congress that—

3           (1) health care professionals should be encour-  
4       aged, to register with the Emergency System for Ad-  
5       vance Registration of Volunteer Health Professionals  
6       (ESAR–VHP), and States should employ online reg-  
7       istration with the promptest processing possible of  
8       such registrations to foster the rapid deployment  
9       and utilization of volunteer health care professionals  
10      following a disaster;

11          (2) Federal and State agencies and licensing  
12      boards should cooperate to facilitate the timely  
13      movement of properly licensed volunteer health care  
14      professionals to areas affected by a disaster; and

15          (3) the appropriate licensing entities should  
16      verify the licenses of volunteer health care profes-  
17      sionals serving disaster victims as soon as is reason-  
18      ably practical following a disaster.

