

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Bookout

A Bill

SENATE BILL

39

For An Act To Be Entitled

8 "AN ACT TO GRANT IMMUNITY FROM CIVIL DAMAGES TO PHYSICIANS
9 AND SURGEONS RENDERING FREE AND VOLUNTARY MEDICAL SERVICES
10 AT FREE OR LOW-COST MEDICAL CLINICS; TO PROVIDE FOR THE
11 REGISTRATION OF FREE OR LOW-COST MEDICAL CLINICS BY THE
12 STATE BOARD OF HEALTH; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO GRANT IMMUNITY FROM CIVIL
16 DAMAGES TO PHYSICIANS AND SURGEONS
17 RENDERING FREE AND VOLUNTARY MEDICAL
18 SERVICES AT FREE OR LOW-COST MEDICAL
19 CLINICS."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 *SECTION 1. Retired physicians and surgeons who are still licensed to*
24 *practice medicine by the Arkansas State Medical Board under the laws of the*
25 *State of Arkansas, and who render medical services voluntarily and without*
26 *compensation to any person at any free or low-cost medical clinic located in*
27 *the State of Arkansas and registered by the State Board of Health, which*
28 *accepts no insurance payments and provides medical services free of charge to*
29 *persons unable to pay or provides medical services for a nominal fee shall*
30 *not be liable for any civil damages for any act or omission resulting from*
31 *the rendering of such medical services unless such act or omission was the*
32 *result of such licensee's gross negligence or wilful misconduct.*

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34 *SECTION 2. The Arkansas State Board of Health is empowered to adopt*
35 *such rules and regulations as it may determine necessary to provide for*

1 registration of free or low-cost medical clinics under this act, provided
2 such rules and regulations shall require that each person, patient or client
3 to whom medical services are provided has been fully informed before any
4 treatment by the physician providing the services or by the staff of the
5 medical clinic of the immunity from civil suit provisions of this act, and
6 has acknowledged that fact in writing on a form approved or designated by the
7 State Department of Health.

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9 SECTION 3. The State Board of Health and its members, and the State
10 Department of Health and its agents and employees are exempt and immune from
11 liability for any claims or damages when performing their duties pursuant to
12 this act.

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14 SECTION 4. The provisions of this act shall not affect the Arkansas
15 Volunteer Immunity Act, Arkansas Code Annotated §16-6-101 et seq.

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17 SECTION 5. All provisions of this act of a general and permanent
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
19 Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 6. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 7. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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/s/Bookout

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