

1 3. A health care practitioner is eligible to participate as a health
2 care practitioner volunteer under this title if he or she:

3 (a) is licensed, or exempt from licensure, pursuant to articles one
4 hundred thirty-one, one hundred thirty-one-B, one hundred thirty-two,
5 one hundred thirty-three, one hundred thirty-six, one hundred thirty-
6 seven, one hundred thirty-nine, one hundred forty, one hundred forty-
7 one, one hundred forty-three, one hundred forty-four, one hundred
8 fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred
9 fifty-six, one hundred fifty-seven, one hundred fifty-nine, one hundred
10 sixty, one hundred sixty-two, or one hundred sixty-four of the education
11 law;

12 (b) has agreed to practice in a health care practitioner volunteer
13 program without compensation or the expectation of compensation. For the
14 purposes of this paragraph, the following shall not be considered
15 compensation: (i) nominal payment solely to enable the health care prac-
16 titioner to be considered an employee of an entity operating and admin-
17 istering [the] A health care practitioner volunteer program established
18 pursuant to this title; or (ii) the provision of medical liability
19 insurance coverage to the health care practitioner pursuant to the
20 requirements of this title;

21 (c) is well qualified and intends to serve as a volunteer in the prac-
22 tice or specialty area in which he or she is licensed and primarily
23 practices, or practiced prior to retirement, or is licensed and
24 demonstrably qualified to practice through training, retraining, or
25 continuing education; and

26 (d) is not subject to any limitations on practice as the result of
27 findings or action by, or any agreement with, any licensing or profes-
28 sional conduct agency or board, or any court or regulatory agency.

29 4. No health care practitioner volunteer shall participate in [the] A
30 health care practitioner volunteer program established pursuant to this
31 title unless, with respect to acts and omissions that occurred or
32 allegedly occurred within the scope of his or her participation in such
33 program, he or she is covered by an adequate professional liability
34 insurance policy.

35 5. The commissioner shall, upon submission of satisfactory evidence of
36 compliance with the provisions of this title, approve [a] health care
37 practitioner volunteer [program to be] PROGRAMS located in the county of
38 Schenectady AND IN THE UNINCORPORATED COMMUNITY OF UNIONDALE, BEING IN
39 THE TOWN OF HEMPSTEAD AND COUNTY OF NASSAU. Such program shall:

40 (a) be operated and administered by a not-for-profit entity licensed
41 under article twenty-eight of this chapter, provided, however, that
42 nothing contained [herein] IN THIS PARAGRAPH shall preclude a facility
43 otherwise licensed under this chapter or under the mental hygiene law
44 from utilizing the services of health care practitioner volunteers for
45 the provision of free health care services pursuant to such licensure;
46 and

47 (b) have procedures to screen participating health care practitioner
48 volunteers to ensure that they meet the requirements of subdivision
49 three of this section.

50 6. (a) The [program] PROGRAMS shall report annually to the commission-
51 er on the progress of [the] EACH program. The report shall include a
52 profile of participating health care practitioner volunteers, the number
53 of persons served, a description of the activities of the program, an
54 outline of the program's continuing or projected activities, a
55 description of the impact of the program on the community, and an esti-
56 mate of the value of volunteer services provided.

1 (b) On or before June first of each year, the commissioner shall
2 report to the governor, the temporary president of the senate, the
3 minority leader of the senate, the speaker of the assembly, the minority
4 leader of the assembly, and the chairs of the senate and assembly
5 committees on health on findings, conclusions, and recommendations on
6 the implementation of the provisions of this title.

7 7. Notwithstanding any inconsistent provision of law to the contrary,
8 the commissioner is authorized to waive, modify or suspend the
9 provisions of rules and regulations promulgated pursuant to article
10 twenty-eight of this chapter if the commissioner determines that such
11 waiver, modification or suspension is necessary for the successful
12 implementing of the health care practitioner volunteer [program]
13 PROGRAMS authorized pursuant to this section and provided that the
14 commissioner determines that the health, safety and general welfare of
15 people receiving health care under such health care practitioner volun-
16 teer [program] PROGRAMS will not be impaired as a result of such waiver,
17 modification or suspension.

18 S 2. This act shall take effect immediately.