



## Licensing Provisions and Liability Laws for Senior and Volunteer Physicians

This document focuses on licensing provisions for senior and volunteer physicians and the limitations placed on liability for such physicians by state. Currently states are split regarding whether or not they offer a license to volunteer or senior physicians, yet for the most part, the states that offer licenses provide the volunteer physician with immunity from civil liability.

### Summary

Most, but not all, states provide licensing provisions for physicians who either practice in a volunteer, unpaid capacity, or have retired. Some states that provide for a volunteer or retired physician license often require that the physician have been previously licensed in that, or another, state. Most states only allow volunteer or retired physicians to practice without a fee within the scope of charitable or gratuitous care.

- 20 states and the District of Columbia (D.C.) have no provisions regarding volunteer or retired physician licensing.<sup>1</sup>
- 3 states have provisions that allow a retired physician to apply for a retired license that does not permit the practice of medicine by the licensee.<sup>2</sup>
- 1 state allows physicians who have been in practice for at least the 12 months prior, and who are licensed in another state, to apply for a license to practice medicine without taking the licensing exam.<sup>3</sup>
- 5 states require that the physician applying for a volunteer or retired physician license prove that they previously held a full license in that or another state.<sup>4</sup>
- 10 states allow a physician to apply for a volunteer or retired physician license so long as the medical services being provided by that physician are gratuitous.<sup>5</sup>
- 9 states allow retiring physicians to apply for a volunteer license to practice medicine so long as the licensee can prove that they previously held a full active license and that their practice will be limited to gratuitous care.<sup>6</sup>

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<sup>1</sup> Connecticut, Delaware, D.C., Hawaii, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin

<sup>2</sup> Alaska, California, Colorado

<sup>3</sup> Oregon

<sup>4</sup> Alabama, Arizona, Idaho, Michigan, Wyoming

<sup>5</sup> Florida, Georgia, Indiana, Kansas, Maine, Nevada, New Jersey, North Carolina, Pennsylvania, West Virginia

Most states grant physicians immunity from civil liability arising from gratuitous medical care except where damages result from gross negligence or willful or wanton misconduct. However, some states have no provisions regarding the liability of volunteer physicians.

- 38 states and D.C. offer immunity from civil liability to volunteer physicians.<sup>7</sup>
- 7 states have no provisions regarding volunteer physician liability.<sup>8</sup>
- 3 states regard volunteer health practitioners providing gratuitous care as employees of the state for the purposes of liability claims.<sup>9</sup>
- 2 states provide volunteer physicians with liability insurance once they have registered with the state as a physician who provides gratuitous care only.<sup>10</sup>

Of the states that grant volunteer physicians immunity from civil liability, many require that the patient or clinic be informed of the physician's limited liability before the physician is able to provide care.

- 5 states require the volunteer physician inform the patient of his/her limited liability status prior to rendering services.<sup>11</sup>
- 6 states and D.C. require that the patient receive a written waiver/notice regarding the limited liability of the volunteer physician.<sup>12</sup>
- 3 states require that a conspicuous notice of the physician's limited liability be posted in the office or clinic.<sup>13</sup>
- 3 states require that the volunteer physician have a written agreement with the clinic where they are practicing regarding the limits on their liability.<sup>14</sup>

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<sup>6</sup> Mississippi, Missouri, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Washington

<sup>7</sup> Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming

<sup>8</sup> California, Connecticut, Massachusetts, Nebraska, New Mexico, New York, Vermont

<sup>9</sup> Iowa, Kansas, Wisconsin

<sup>10</sup> Minnesota, Washington

<sup>11</sup> Colorado, Louisiana, Michigan, Montana, Wyoming

<sup>12</sup> Alaska, Arkansas, Idaho, Mississippi, Ohio, Utah

<sup>13</sup> Alabama, Illinois, Pennsylvania

<sup>14</sup> South Carolina, West Virginia, Wyoming

State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
<b>Alabama</b>	Retired physicians may obtain a limited license, without charge, if they have been licensed in Alabama or any state previously. Licensees must volunteer 100 or more hours annually of outpatient health care services at qualifying free clinics. Renewable annually. ALA. CODE § 34-24-75.1	Medical professional who offers charitable services in established free medical clinic or volunteers of non-profit organizations are immune from civil liability if the volunteers actions in good faith, within the scope of his official functions and duties, and does not represent willful or wanton misconduct. Must post notice of this immunity from liability conspicuously in the clinic. ALA. CODE § 6-5-663
<b>Alaska</b>	No volunteer or retired license permitting limited practice of medicine.  A retired physician may apply for a retired status license after payment of an appropriate onetime fee. A physician with this license may not practice medicine, osteopathy, or podiatry in the state. A physician on retired status may apply for active licensure from the board after reasonable criteria set by the board. ALASKA STAT. § 08.64.276	A healthcare provider who provides healthcare services to another person voluntarily and without pay and is not liable for civil damages unless the damages are a result of gross negligence or reckless or intentional misconduct. The patient must have received advance written notice of the provider's immunity under this statute and consented. ALASKA STAT. § 09.65.300
<b>Arizona</b>	Pro Bono license available for no fee. Must hold an active license from any state or territory or an active or inactive Arizona license. Restricted to the provision of gratuitous care, and is limited to no more than 60 days of practice per year. ARIZ. REV. STAT. § 32-1428	Arizona law establishes immunity for volunteers acting in good faith and within the scope of volunteer duties for government entities or nonprofit organizations or hospitals when the damage was not caused by willful, wanton, or grossly negligent misconduct. Vicarious liability of the organization can be established if the volunteer was working in the scope of official duties and functions. ARIZ. REV. STAT. § 12-982  A health care professional who provides medical treatment is only liable for gross negligence where neither the healthcare professional nor clinic receive compensation. ARIZ. REV. STAT. § 12-571
<b>Arkansas</b>	Retired physicians and surgeons who are still licensed to practice medicine by the Arkansas State Medical Board under the laws of the State of Arkansas, and who render medical services voluntarily and without compensation to any person at any free or low-cost medical clinic located in the State of Arkansas and registered by the State Board of Health, which accepts no insurance payments and provides medical services free of charge to persons unable to pay or provides medical services for a nominal fee, shall not be liable for any civil damages for any act or omission resulting from the rendering of such medical services, unless the act or omission was the result of the licensee's gross negligence or willful misconduct.  A.C.A. § 17-95-106	Immunity from civil liability for retired physicians and surgeons, still licensed by Arkansas Medical Board, who perform voluntary services for free or nominal charge at a free or low cost health clinic, unless the healthcare professional's actions constitute gross negligence or willful misconduct. For immunity to apply, the patient must acknowledge, in writing, that they have been informed that the healthcare professional is immune from civil liability. ARK. CODE ANN. § 17-95-106
<b>California</b>	No volunteer or retired license permitting limited practice of medicine.  Can obtain retired license and waive renewal fee, but cannot practice with retired license. Can	No provisions for non-emergency volunteer or charity medical care.

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
	convert to active status by applying to convert and paying fee. CAL. BUS. & PROF. CODE § 2439	
<b>Colorado</b>	No volunteer or retired license permitting limited practice of medicine.  A retired physician may apply for an inactive license from the board after paying a fee, if a retired physician plans to provide healthcare services, the physician must apply for an active license. COLO. REV. STAT. § 12-36-137	Volunteer physicians will not be subject to any civil liability when providing healthcare services. This exemption does not apply when the injury is caused by wanton misconduct or gross negligence. Patient must have notice of limited liability. COLO. REV. STAT. § 13-21-115.5
<b>Connecticut</b>	No provisions for volunteer or retired.	No provisions for non-emergency volunteer or charity medical care.
<b>Delaware</b>	No provisions for volunteer or retired.	Licensed physicians volunteering at clinics, providing services without compensation, are immune from civil liability unless conduct constitutes gross negligence or willful misconduct. If the volunteer has liability insurance, liability is limited to the limit of the insurance policy. DEL. CODE ANN. tit. 10, § 8135
<b>D.C.</b>	No provisions for volunteer or retired.	Licensed physicians who, in good faith, provide health care or treatment at or on behalf of a free health clinic 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 willful or wanton disregard for the health or safety of others. In order to qualify for this immunity, physicians must require prospective patients to sign a written statement witnessed by two persons in which the parties agree to the rendering of the health care or treatment. Free clinics that cannot afford liability insurance and their volunteers can be part of a federal indemnity program and are considered District employees for indemnification purposes. D.C. CODE § 7-402
<b>Florida</b>	Limited license is available for retired physicians wishing to volunteer their services. The license is only for the provision of gratuitous health care. Physician must practice in a government or nonprofit organization that is considered to be an area of critical need as determined by the board. FLA. STAT. § 458.317	Volunteer physicians are not liable for civil damages when they in good faith render care within the scope of their official duties for any nonprofit organization. This care must be gratuitous, and the volunteer must have been acting as a reasonably prudent person would under the same or similar circumstances. FLA. STAT. § 768.135
<b>Georgia</b>	A retired physician (or a physician licensed under the laws of any state) may obtain a special license to practice medicine as a volunteer physician, without compensation, for public agencies or non-profit institutions which provide healthcare services to indigent patients. GA. CODE ANN. § 43-1-28	Any licensed volunteer for a hospital, non-profit or government organization, who renders care without the expectation of compensation, is granted civil immunity except for gross negligence or willful or wanton misconduct. GA. CODE ANN. § 51-1-29.1

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
<b>Hawaii</b>	No provisions for volunteer or retired.	A volunteer physician is immune from civil liability, if the volunteer's actions are in good faith and within the scope of his official functions and duties for a non-profit organization, hospital, or governmental entity. The organization must either have less than \$50 thousand in assets, excluding grants and allocations, or carry liability insurance of no less than \$200 thousand for a single occurrence. HAW. REV. STAT. § 662D-2
<b>Idaho</b>	A retired physician may obtain a volunteer license to provide medical services to persons who are unable to receive regular medical treatment. There is no fee for issuing or renewing a volunteer license, and is valid for at least one year, but no more than five years (the physician is required to have had an active license within the preceding five years). However, this five year limit can be waived by the board if the applicant demonstrates he possesses the knowledge and skills necessary to practice by completing the required examinations. IDAHO CODE ANN. § 54-1841	Healthcare provider who voluntarily provides healthcare services without compensation shall be immune from civil liability. The volunteer must first obtain a written waiver from the patient who specifies that such services are provided gratuitously and that the physician shall be immune from liability. If the volunteer has liability insurance, he is liable to the extent of the insurance policy. IDAHO CODE ANN. § 39-7703  A volunteer who serves a non-profit corporation or organization without compensation shall be immune from civil liability arising out of his conduct if such conduct is within the scope of his official functions and duties and at the direction of the non-profit corporation or organization. Immunity will not be granted if the conduct of the officer, director, or volunteer is willful, wanton, involves fraud or a knowing violation of the law, or intentional conduct that is not in good faith. IDAHO CODE ANN. § 6-1605
<b>Illinois</b>	In the event that the health care professional obtains a volunteer license in the profession for which he or she holds a non-volunteer license, that non-volunteer license shall automatically be placed in inactive status. In the event that a health care professional obtains a non-volunteer license in the profession for which he or she holds a volunteer license, the volunteer license shall be placed in inactive status. Practicing on an expired volunteer license constitutes the unlicensed practice of the health care professional's profession.  20 ILCS 2105/2105-17	A physician, licensed in any state, who volunteers services at a free medical clinic to the indigent, is exempt from civil liability except for willful or wanton misconduct. This exemption from liability must be posted conspicuously on the clinic premises. A free medical clinic is defined as a community based program providing medical care without charge to individuals. 745 ILL. COMP. STAT. 49/30
<b>Indiana</b>	Retired/inactive status – a physician can voluntarily practice while under inactive status as long as there is no compensation. A physician with this license may not maintain an office or practice. IND. CODE § 25-22.5-6-1	A licensed health care provider in Indiana who gratuitously provides health care at a qualified clinic or facility with professional liability insurance is immune from civil liability arising from the care provided, unless in delivering care the provider's acts or omissions constitute gross negligence or willful misconduct. IND. CODE § 34-30-13-1
<b>Iowa</b>	No provisions for volunteer or retired.	Volunteer physician program within the Iowa Department of Public Health provides for immunity from liability when a physician, registered with the Department as being part of the program, provides free medical care at specified hospitals and clinics. While delivering free care under the program, a physician is considered an employee of the state and receives certain immunity from liability. IOWA CODE § 135.24

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
<b>Kansas</b>	Offers exempt status for retired physicians no longer regularly engaged in the provision of health care. Exempt status entitles the physician to all of the privileges of an active license. The physician must designate in what context professional services would be rendered, and charitable care is permissible under this exempt status. Reduced fee as compared to an active license. Renewable upon satisfaction of CME requirements established by board. KAN. STAT. ANN. § 65-2809	A physician can enter an agreement with the Secretary of Health and Environment to offer gratuitous care to a medically indigent person, and in return the physician will be considered an employee of the state for purposes of the Tort Claim Act, which provides certain immunity from liability. KAN. STAT. ANN. § 75-6120
<b>Kentucky</b>	No provisions for volunteer or retired.	Volunteer of a non-profit who performs service without compensation is immune from civil liability if the person acts in good faith and within the scope of his duties except for willful or wanton misconduct. KY. REV. STAT. ANN. § 411.200
<b>Louisiana</b>	No provisions for volunteer or retired.	<p>Health care provider providing free care in a community health clinic or pursuant to an agreement with the clinic is not liable for any act or omission in rendering care or for an act or omission in providing or arranging for further services. This immunity from liability is valid only if the patient received prior notice of the limited liability, and the damages were not caused by gross negligence or willful or wanton misconduct. LA. REV. STAT. ANN. § 9:2799.5</p> <p>Volunteer health care provider for an athletic team is immune from civil liability caused by an act or omission directly related to the provision of gratuitous care provided that the health care provider has completed safety orientation and training or obtained a waiver of this requirement from the league after providing evidence of a proficiency in first aid and safety. The receipt of a small stipend or incidental compensation will not exclude a provider from this limitation on liability. LA. REV. STAT. ANN. § 9:2798</p> <p>A physician licensed to practice medicine by the State Board of Medical Examiners, who gratuitously volunteers to supervise a licensed health care professional performing ultrasound procedures at a nonprofit pregnancy resource center in this state, shall not be liable for any civil damages as a result of any act or omission in the supervising or performing of the ultrasound procedure, or the interpretation of the results of the procedure, unless the damage or injury was caused by willful or wanton misconduct or gross negligence. La. R.S. § 37:1732.1</p>
<b>Maine</b>	Volunteer status license for retired physicians who offer gratuitous care for indigent individuals. Fee is \$75. 02-373-001 ME. CODE R. § 3(1)(D)	<p>Maine grants civil liability immunity for licensed physicians (including retired) who voluntarily render uncompensated medical care for a nonprofit organization or agency of the state, except in the case of wanton misconduct or gross negligence. ME. REV. STAT. ANN. tit. 24, § 2904</p> <p>Volunteer has civil immunity for charitable services provided to a non-profit organization, unless</p>

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
		the act or omission is not within the scope of the volunteer's functions and duties. ME. REV. STAT. ANN. tit. 14 § 158-A
<b>Maryland</b>	No provision for volunteer or retired.	Maryland provides immunity from civil liability to volunteers who render certain services under specified circumstances. Circumstances include health care providers or physicians who render health care services voluntarily and without compensation to any person seeking health care through a charitable organization. Such volunteers are not liable for any amount in excess of any applicable limit of insurance coverage in any suit for any act or omission resulting from the rendering of such services, unless the act or omission constitutes: a) willful or wanton misconduct, b) gross negligence, or c) intentionally tortuous conduct. MD. CODE ANN., CTS. & JUD. PROC. § 5-606
<b>Massachusetts</b>	No provisions for volunteer or retired. (Pending legislation)	No provisions for non-emergency volunteer or charity medical care. (Pending legislation)
<b>Michigan</b>	A physician may obtain a special volunteer license from the board upon showing that he was previously licensed to practice medicine and was in good standing prior to the expiration of his license. If a retired physician is out of practice for 3 or more years, he must present documentation that, in the past three years, he fulfilled 2/3 of the CME requirement for full licensure. No fee for issuance or renewal of the special volunteer license. MICH. COMP. LAWS. § 333.16184	A physician providing medical care under a special volunteer license is immune from civil liability arising from personal injury or death proximately caused by professional negligence or malpractice, when (1) the care is provided by a health facility that provides at least 75% of its care to indigent patients and (2) the physician does not receive compensation. MICH. COMP. LAWS § 333.16185  Law protects physicians from liability for care provided at a free clinic, or care provided as a result of a referral from a free clinic. Patients must receive prior notice of limited liability and provide signed acknowledgment of such receipt. MICH. COMP. LAWS § 333.16277
<b>Minnesota</b>	No provisions for volunteer or retired.	A physician can register with the administrative services unit after agreeing he will receive no compensation for services provided under the program and submitting a sworn statement his license to practice is free of restrictions. The administrative services unit must then purchase medical professional liability insurance, if available, for any registered physician not otherwise covered by a liability insurance policy. Coverage is limited to the provision of gratuitous services. The administrative services unit is permitted to prorate payments or limit the number of participants in this program if the cost of insurance coverage for participants exceeds available funds. MINN. STAT. § 214.40

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
<b>Mississippi</b>	License available for retired physicians who wish to volunteer their services. A physician must complete an application documenting his educational training, issuance of an unrestricted license to practice medicine in MS or another state, documentation that he will devote his volunteer service to care for indigent patients or underserved areas of Mississippi, and will not receive compensation. Renewable annually, no fee. MISS. CODE ANN. § 73-25-18	Mississippi grants immunity from civil liability to any licensed physician who, in good faith and on a charitable basis, provides medical services to any person without the expectation of payment. Immunity will only be extended if the physician and patient execute a written waiver in advance of the rendering of medical services, specifying that such services are provided without the expectation of payment and that the physician shall be immune from liability. This immunity does not apply when the injury is caused by the physician's gross, willful, or wanton negligence. MISS. CODE ANN. § 73-25-38
<b>Missouri</b>	Limited license for retired physicians who have been licensed for at least 10 years in either MO or another state. No more than 5 annual CME hours required for renewal. Restricted to primary or preventative care services provided gratuitously at city, county, nonprofit, or federally funded health centers. Cannot prescribe controlled substances. Fee not to exceed \$25. MO. REV. STAT. § 334.112	Volunteer of non-profit or government entity is immune to liability if they acted in good faith and within the scope of their official functions and duties. Immunity does not apply if the injury is caused by intentional or malicious conduct or negligence. MO. REV. STAT. § 537.118
<b>Montana</b>	No provisions for volunteer or retired.	A licensed physician, who provides free services to a patient of a free clinic, to a patient referred by a free clinic, or in a community based program servicing uninsured persons, is not liable for civil damages unless the damages were the result of gross negligence or wanton misconduct. Patients must receive prior notice that physician is not liable for ordinary negligence. MONT. CODE ANN. § 27-1-736
<b>Nebraska</b>	No provisions for volunteer or retired.	A physician who volunteers in a free clinic or other non-profit facility is immune from civil liability for any act or omission which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such practitioner. R.R.S. Neb. § 25-21,188.02
<b>Nevada</b>	Special volunteer license requires physician to acknowledge that he will receive no compensation for services rendered under the license and acknowledge that care will be rendered exclusively either for indigent or uninsured people or as part of a disaster relief operation. No fee, renewable upon complying with CME requirements. It expires 1 year after the first issuance and 2 years after each successful renewal of the special volunteer license. NEV. REV. STAT. § 630.258	A volunteer of a charitable organization is immune from liability for civil damages, if the volunteer is an agent of the charitable organization, or if the volunteer performs services that are not supervisory in nature and are not part of any duties that the volunteer may have as an officer, director, or trustee of the charitable organization, unless the volunteer's act is intentional, willful, wanton, or malicious. NEV. REV. STAT. §§ 41.480 to 41.485  Civil immunity for licensed physicians, who provide gratuitous emergency obstetrical services if woman has previously received prenatal care from the physician and damages reasonably related to a lack of prenatal care. Actions cannot amount to gross negligence or willful and wanton misconduct. NEV. REV. STAT. § 41.506



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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
<b>New Hampshire</b>	No provisions for volunteer or retired.	A volunteer in a non-profit organization or government entity is immune from civil liability as long as the volunteer is documented by the organization and was acting in good faith. Exception for willful, wanton or grossly negligent misconduct. N.H. REV. STAT. ANN. § 508:17  Retired physicians who have notified the medical board of an intention to participate in certain health education programs are granted immunity from civil liability arising from the voluntary provision of health education in good faith in public forums. N.H. REV. STAT. ANN. § 329:25-a
<b>New Jersey</b>	License available at a reduced fee for physicians offering their services exclusively without compensation. N.J. STAT. ANN. § 45:9-19.15	Any uncompensated volunteer of a nonprofit, religious, charitable, or educational organization shall be immune from liability for damages sustained by a beneficiary of the charitable services. Immunity not available if there is gross negligence, wanton misconduct. N.J. STAT. ANN. § 2A:53A-7
<b>New Mexico</b>	No provisions for volunteer or retired.	No provisions for non-emergency volunteer or charity medical care.
<b>New York</b>	Education § 6524. (10) A physician shall not be required to pay any fee under this section if he or she certifies to the department that for the period of registration or licensure, he or she shall only practice medicine without compensation or the expectation or promise of compensation. The following shall not be considered compensation for the purposes of this subdivision: (a) nominal payment solely to enable the physician to be considered an employee of a health care provider, or (b) providing liability coverage to the physician relating to the services provided.	No provisions for non-emergency volunteer or charity medical care.
<b>North Carolina</b>	Retired physicians can obtain a limited volunteer license to provide for the indigent at specialized clinics. N.C. GEN. STAT. 90-12.1A(b)	Volunteers for medical or health care provider and retired physicians holding limited volunteer licenses are not liable for injuries or death except in cases of wanton misconduct or gross negligence. N.C. GEN. STAT. § 90-21.16
<b>North Dakota</b>	No provisions for volunteer or retired.	A licensed health care provider who renders gratuitous services at a free clinic is not liable in a personal injury civil action, except for intentional misconduct or gross negligence. N.D. CENT. CODE § 32-03.1-02.2
<b>Ohio</b>	Volunteer certificate for those who are retired and have practiced for at least 10 years who wish to provide gratuitous medical services to indigent or uninsured patients. No fee. Some restrictions on services e.g. cannot deliver babies, perform surgery. Valid for 3 years, renewable with 150 CME hours. OHIO REV. CODE ANN. § 4731.295	Ohio provides physicians, retired physicians, other health care professionals, and shelters or health care facilities with qualified immunities from civil liability for providing free diagnoses, care, and treatment to indigent or uninsured patients at certain facilities. Patients must receive prior notice of limited liability and sign a written waiver. OHIO REV. CODE ANN. § 2305.234
<b>Oklahoma</b>	Special Volunteer Medical license for retired physicians who wish to provide gratuitous services exclusively to the needy and indigent. Physician must have been previously issued a medical license in any state. Volunteer license is valid for one year and it is renewable. No fee.	Volunteer licensed physicians providing gratuitous services at a free clinic will not be liable for any act or omission not caused by gross negligence or willful and wanton misconduct. Must have been acting within the scope of the license. OKLA. STAT. tit. 76, § 32

Comment [AMA1]: Section was repealed

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
	OKLA. STAT. tit. 59, § 493.5	A volunteer of a qualified charitable or non-profit organization (such as a free clinic) is considered a government employee for purposes of the Governmental Tort Claims Act, and will be exempt from liability for claims arising from the volunteer's actions when within the scope of his authority. Will be liable for willful misconduct. OKLA. STAT. tit. 51, § 152.2
<b>Oregon</b>	No limited volunteer or retired license.  Physician licensed in a state other than OR may apply for a license to practice in OR without taking the licensing exam provided they have not ceased the practice of medicine for more than 12 months. However, if that individual volunteers at a health clinic operated by a charitable health organization, the applicant is exempt from the examination requirement if they have ceased regular practice of medicine not more than 24 months. OR. REV. STAT. § 677.120	A licensed physician who provides gratuitous medical services for a charitable organization whose mission and purpose is directly related to those services is not liable for civil damages except if arising from gross negligence or wanton misconduct. OR. REV. STAT. § 30.792
<b>Pennsylvania</b>	Volunteer license available for retired physicians. No liability insurance requirement and no renewal fee. Can be renewed every 2 years, but must satisfy CME requirements for renewal. Requires verification from the director of the approved clinic that the physician has been authorized to provide volunteer services. 35 PA. CONS. STAT. § 449.43-449.46	A physician who holds a volunteer license is not liable for damages with the exception of sub-standard care. This immunity is valid only if a statement of such immunity is posted in a conspicuous place in the clinic. The institutional healthcare organization can still be held liable through vicarious liability for the volunteer's actions. 35 PA. CONS. STAT. § 449.47
<b>Rhode Island</b>	No provisions for volunteer or retired.	A person who volunteers without compensation in a non-profit or charitable organization is not liable with the exception of malicious, willful, or wanton misconduct. R.I. GEN. LAWS § 7-6-9
<b>South Carolina</b>	Physician previously licensed to practice medicine in any state or Canada can apply for a volunteer license after documenting practice will be exclusively devoted to providing gratuitous care for the needy and indigent. Must also document name of supervisory physician approved by the board, and that this physician has agreed to accept the supervisory responsibility. No fee. Practice limited to specific site(s) approved by the board. S.C. CODE ANN. § 40-47-34	Immunity from civil liability granted to any licensed health care provider who provides voluntary uncompensated medical services, except for gross negligence or willful misconduct. Immunity extends only if the agreement to provide the services gratuitously is made before the rendering of services by the provider. The agreement to provide a voluntary, noncompensated service must be made in writing, which may include use of an electronic medical record device, before rendering service in the case of a nonemergency and may be evidenced by the provider's giving notice in writing, which may include use of an electronic medical record device, to the patient or to the person responsible for the patient's care and acting for the patient that the service being rendered is voluntary and without compensation. S.C. CODE ANN. § 38-79-30
<b>South Dakota</b>	No provisions for volunteer or retired.	South Dakota provides immunity from civil liability for volunteer physicians providing uncompensated health care services at free clinics. The immunity extends to damages or injuries arising from care provided in good faith and within the scope of the provider's official function. Immunity does not apply to gross negligence or willful misconduct. If physician or facility has

Comment [AMA2]: Newly amended

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State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
		liability insurance, immunity does not apply to the extent of the coverage. S.D. CODIFIED LAWS §§ 47-23-28 to 47-23-32
<b>Tennessee</b>	A special volunteer license is available to physicians whose sole practice is rendering professional services without compensation in a free health clinic. The physician must have been previously issued a full license to practice in any state and never been subject to disciplinary action. No fee. TENN. CODE ANN. § 63-1-201	Immunity from civil liability for any licensed physician providing gratuitous health care services within the limits of the person's license to any patient of any organization that organizes or arranges for the voluntary provision of health care services and is registered with the state, unless the act or omission was the result of such person's gross negligence or willful misconduct. TENN. CODE ANN. § 63-6-708
<b>Texas</b>	Each licensing entity shall adopt rules providing for reduced fees and continuing education requirements for a retired health care practitioner whose only practice is voluntary charity care. TEX. OCC. CODE § 112.051  A retired physician licensed by the board whose only practice is the provision of voluntary charity is exempt from the registration fee. Must certify that practice will consist solely of uncompensated charity care and will not include provision of medical services to family or any self-prescribing of controlled substances. CME requirement for this license is reduced from 24 credits to 20. Tex. Med. Board Rules § 166.6  While an emergency declaration is in effect, a volunteer health practitioner registered with the registration system under Section 115.005 who is licensed and in good standing in another state and has an acceptable criminal history may practice in this state to the extent authorized by this chapter as if the practitioner were licensed in this state. H.B. 746, 83rd Legis., Reg. Sess. (Tex. 2013)	(a) While an emergency declaration is in effect: a volunteer health practitioner who provides health or veterinary services under this chapter is not liable for damages for an act or omission of the practitioner in providing those services. (b) A person is not vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under Subsection (a).  Liability of a volunteer health practitioner is not limited for: willful misconduct or wanton, grossly negligent, reckless, or criminal conduct; an intentional tort; breach of contract; a claim asserted by a host entity or by an entity located in this or another state that employs or uses the services of the practitioner; or an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.  A person who operates, uses, or relies on information provided by the volunteer health practitioner registration system under this chapter is not liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless, or criminal conduct. H.B. 746, 83rd Legis., Reg. Sess. (Tex. 2013)
<b>Utah</b>	A physician can apply for a volunteer license if the he certifies he will be engaged exclusively in volunteer healthcare services at an approved site. Must have previously been issued an unrestricted license to practice in any state. Must also identify the supervising physician and the delegation of service agreement which determines the scope of practice of the volunteer and must include that the volunteer may not prescribe a controlled substance to himself, the volunteer's family, or a staff member of the qualified location. No fee. UTAH CODE ANN. §§ 58-81-102 to 104	A health care provider who volunteers services at a qualified facility that sponsors uncompensated health treatment is not liable in a malpractice suit except for gross negligence or willful and wanton misconduct. Patient must first be notified in writing of this immunity from liability must consent. UTAH CODE ANN. § 58-13-3
<b>Vermont</b>	No provisions for volunteer or retired.	No provisions for non-emergency volunteer or charity medical care.
<b>Virginia</b>	No provisions for volunteer or retired.	Virginia law grants immunity from liability to volunteer physicians who provide gratuitous health care services to patients of a clinic which is organized for the delivery of healthcare services

## AMA Advocacy Resource Center

State	Volunteer / Limited License Offered	Liability Laws for Volunteer Physicians
		without charge, except for gross negligence. VA. CODE ANN. § 32.1-127.3
<b>Washington</b>	Retired Active status license available for physicians holding an active Washington State credential. Must certify an intention to practice only on an intermittent or emergency basis. Reduced fee, but same CME requirements as full active license. WASH. REV. CODE § 18.130.250	Department of Health is authorized to implement a program to purchase malpractice insurance for retired physicians who provide gratuitous care at approved clinics. Insurance purchased only to the extent of the funds provided for this purpose by the legislature. WASH. REV. CODE §§ 43.70.460 to 470  In 2003, the Good Samaritan Act was amended to include immunity provisions for physicians who volunteer health care services at public or nonprofit community clinics. These immunity provisions do not apply to acts or omissions that constitute gross negligence. HB 2787
<b>West Virginia</b>	Volunteer license available to retired or retiring physicians who wish to provide medical care to indigent and needy patients in clinics organized for the delivery of health care services without charge. Physician must acknowledge that practice under this license will be exclusively for care to needy and indigent and will be gratuitous. No fee, but must satisfy same CME requirement as for full active license. W.VA. CODE § 30-3-10a(a)	Immunity from liability is available to physicians who provide gratuitous medical care to indigent and needy patients of a qualified clinic. There must be a written agreement between the physician and the clinic stipulating that the physician will provide voluntary uncompensated medical services under the control of the clinic to patients of the clinic. This immunity is only available if the clinic entering into such written agreement maintains liability coverage of not less than one million dollars per occurrence. W.VA. CODE § 30-3-10a(b)
<b>Wisconsin</b>	No provisions for retired or volunteer.  If practice is less than 240 hours/year, do not have to pay into Patient's Compensation Fund. WIS. STAT. § 655.002	A volunteer health care provider who provides gratuitous services at an approved nonprofit agency or school is considered an agent of the Department of Health Services and thereby considered an employee of the State and immune from civil liability for any act or omission performed in the course of their duties as a volunteer physician. WIS. STAT. §§ 146.89, 893.82
<b>Wyoming</b>	Emeritus license available for retiring physicians. Must show proof of license in good standing for at least 10 years immediately prior to retirement. Must sign affidavit that they are not being compensated. The Emeritus license is valid for 1 year and renewable upon satisfying the same CME requirements as for full active license. No fee. WYO. STAT. ANN. § 33-26-601	Immunity from civil liability available to volunteer physicians if the patient given prior notice of the immunity from liability and consents. Physician must also have entered into a written agreement with the facility, and pursuant to such agreement the facility is required to maintain liability coverage of at least \$1 million per occurrence. Immunity not available for claims arising from performing an operation or delivering a baby. WYO. STAT. ANN. § 1-1-129