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HOUSE BILL NO. 1636

Offered January 13, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 8.01-581.16 of the Code of Virginia, relating to civil immunity; health care professionals; professional programs related to career fatigue and wellness.

Patrons—Hope and Glass

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.16 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

A. Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity that functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities; (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary, or optometric necessity for such services; (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services; (iv) the adequacy or quality of professional services; (v) the competency and qualifications for professional staff privileges; (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities; (vii) patient safety, including entering into contracts with patient safety organizations, provided that such committee, board, group, commission, or other entity has been established pursuant to federal or state law or regulation, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause (iii)(f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency, and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

B. Every member of, or health care professional consultant to, any committee, board, group, commission, or other entity that functions primarily to (i) review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness or (ii) arrange for or provide outpatient health care related to career fatigue and wellness for (a) health care professionals licensed, registered, or certified by ~~the Boards of Dentistry, Medicine, Nursing, or Pharmacy~~ a board of the Department of Health Professions as enumerated by § 54.1-2503; or in (b) students enrolled in a graduate school of ~~dentistry, dental hygiene, medicine, osteopathic medicine, nursing, or pharmacy~~ or professional program, the completion of which is a prerequisite for licensure, registration, or certification by a board of the Department of Health Professions, located in the Commonwealth, that is established or contracted for by a statewide association, that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code, and that primarily represents health care professionals licensed to practice dentistry, dental hygiene, medicine, or osteopathic medicine in multiple specialties, shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program described in this subsection shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

INTRODUCED

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