

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-581.16 of the Code of Virginia, relating to civil immunity; health care*
 3 *professionals; professional programs related to career fatigue and wellness.*

4 [H 1636]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.**

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

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

ENROLLED

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