

As Passed by the House

125th General Assembly

Regular Session

2003-2004

Am. Sub. S. B. No. 86

**Senators Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin,
Amstutz, Brady, Herington, Fedor, Wachtmann, Schuring, Mumper, Spada,
Harris, Nein, Carey, Schuler, DiDonato, Prentiss, Robert Gardner,
Armbruster, White**

**Representatives Latta, Seitz, Allen, Barrett, Blasdel, Brown, Buehrer, Calvert,
Carano, Carmichael, Cirelli, Clancy, Collier, Daniels, Distel, Domenick,
Driehaus, C. Evans, Faber, Flowers, Gibbs, Hartnett, Hollister, Hoops,
Jolivette, Kilbane, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach,
Schaffer, Schmidt, Schneider, Setzer, Sferra, Strahorn, Taylor, Ujvagi,
Wagner, Wilson, Wolpert, Woodard**

A B I L L

To amend sections 2305.234, 3701.071, 4715.42, and 1
4731.295 of the Revised Code and to amend Section 2
2 of Sub. H.B. 221 of the 124th General Assembly 3
to extend immunity from liability for services 4
provided by volunteer health care professionals 5
and workers to additional health care facilities 6
and locations and to nonprofit health care 7
referral organizations, to provide additional 8
requirements for the immunity of a health care 9
professional, to increase the maximum allowable 10
income of individuals who may be served by 11
volunteers having immunity from liability, and to 12
change the effective date of the drug repository 13
statute to January 1, 2004. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2305.234, 3701.071, 4715.42, and 4731.295 of the Revised Code be amended to read as follows:

Sec. 2305.234. (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) Registered nurses ~~, advanced practice nurses,~~ and licensed practical nurses licensed under Chapter 4723. of the

Revised Code <u>and individuals who hold a certificate of authority</u>	41
<u>issued under that chapter that authorizes the practice of nursing</u>	42
<u>as a certified registered nurse anesthetist, clinical nurse</u>	43
<u>specialist, certified nurse-midwife, or certified nurse</u>	44
<u>practitioner;</u>	45
(c) Physician assistants authorized to practice under Chapter	46
4730. of the Revised Code;	47
(d) Dentists and dental hygienists licensed under Chapter	48
4715. of the Revised Code;	49
(e) Physical therapists, <u>physical therapist assistants,</u>	50
<u>occupational therapists, and occupational therapy assistants</u>	51
licensed under Chapter 4755. of the Revised Code;	52
(f) Chiropractors licensed under Chapter 4734. of the Revised	53
Code;	54
(g) Optometrists licensed under Chapter 4725. of the Revised	55
Code;	56
(h) Podiatrists authorized under Chapter 4731. of the Revised	57
Code to practice podiatry;	58
(i) Dietitians licensed under Chapter 4759. of the Revised	59
Code;	60
(j) Pharmacists licensed under Chapter 4729. of the Revised	61
Code;	62
(k) Emergency medical technicians-basic, emergency medical	63
technicians-intermediate, and emergency medical	64
technicians-paramedic, certified under Chapter 4765. of the	65
Revised Code;	66
(l) <u>Respiratory care professionals licensed under Chapter</u>	67
<u>4761. of the Revised Code;</u>	68
(m) <u>Speech-language pathologists and audiologists licensed</u>	69
<u>under Chapter 4753. of the Revised Code.</u>	70

~~(5)~~(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

~~(6)~~(7) "Indigent and uninsured person" means a person who meets all of the following requirements:

(a) The person's income is not greater than ~~one~~ two hundred ~~fifty~~ per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.

(b) The person is not eligible to receive medical assistance under Chapter 5111., disability medical assistance under Chapter 5115. of the Revised Code, or assistance under any other governmental health care program.

(c) Either of the following applies:

(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.

(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.

~~(7)(8)~~ "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker. 101
102
103
104

(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. 105
106
107
108
"Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. 109
110
111
112
"Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted. 113
114
115

~~(8)~~ ~~"Nonprofit shelter or health care facility" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides shelter, health care services, or shelter and health care services to indigent and uninsured persons, except that "shelter or health care facility" does not include a hospital as defined in section 3727.01 of the Revised Code, a facility licensed under Chapter 3721. of the Revised Code, or a medical facility that is operated for profit.~~ 116
117
118
119
120
121
122
123
124
125

~~(9)(10)~~ "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities. 126
127
128
129

~~(10)(11)~~ "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or 130
131

treatment without the expectation of receiving and without receipt 132
of any compensation or other form of remuneration from an indigent 133
and uninsured person, another person on behalf of an indigent and 134
uninsured person, any ~~shelter or~~ health care facility or location, 135
any nonprofit health care referral organization, or any other 136
person or government entity. 137

~~(11)~~(12) "Community control sanction" has the same meaning as 138
in section 2929.01 of the Revised Code. 139

(B)(1) Subject to divisions ~~(E)~~(F) and ~~(F)~~(G)(3) of this 140
section, a health care professional who is a volunteer and 141
complies with division (B)(2) of this section is not liable in 142
damages to any person or government entity in a tort or other 143
civil action, including an action on a medical, dental, 144
chiropractic, optometric, or other health-related claim, for 145
injury, death, or loss to person or property that allegedly arises 146
from an action or omission of the volunteer in the provision ~~at a~~ 147
~~nonprofit shelter or health care facility~~ to an indigent and 148
uninsured person of medical, dental, or other health-related 149
diagnosis, care, or treatment, including the provision of samples 150
of medicine and other medical products, unless the action or 151
omission constitutes willful or wanton misconduct. 152

(2) To qualify for the immunity described in division (B)(1) 153
of this section, a health care professional shall do all of the 154
following prior to providing diagnosis, care, or treatment: 155

(a) Determine, in good faith, that the indigent and uninsured 156
person is mentally capable of giving informed consent to the 157
provision of the diagnosis, care, or treatment and is not subject 158
to duress or under undue influence; 159

(b) Inform the person of the provisions of this section, 160
including notifying the person that, by giving informed consent to 161
the provision of the diagnosis, care, or treatment, the person 162

cannot hold the health care professional liable for damages in a 163
tort or other civil action, including an action on a medical, 164
dental, chiropractic, optometric, or other health-related claim, 165
unless the action or omission of the health care professional 166
constitutes willful or wanton misconduct; 167

(c) Obtain the informed consent of the person and a written 168
waiver, signed by the person or by another individual on behalf of 169
and in the presence of the person, that states that the person is 170
mentally competent to give informed consent and, without being 171
subject to duress or under undue influence, gives informed consent 172
to the provision of the diagnosis, care, or treatment subject to 173
the provisions of this section. A written waiver under division 174
(B)(2)(c) of this section shall state clearly and in conspicuous 175
type that the person or other individual who signs the waiver is 176
signing it with full knowledge that, by giving informed consent to 177
the provision of the diagnosis, care, or treatment, the person 178
cannot bring a tort or other civil action, including an action on 179
a medical, dental, chiropractic, optometric, or other 180
health-related claim, against the health care professional unless 181
the action or omission of the health care professional constitutes 182
willful or wanton misconduct. 183

(3) A physician or podiatrist who is not covered by medical 184
malpractice insurance, but complies with division (B)(2) of this 185
section, is not required to comply with division (A) of section 186
4731.143 of the Revised Code. 187

(C) Subject to divisions ~~(E)~~(F) and ~~(F)~~(G)(3) of this 188
section, health care workers who are volunteers are not liable in 189
damages to any person or government entity in a tort or other 190
civil action, including an action upon a medical, dental, 191
chiropractic, optometric, or other health-related claim, for 192
injury, death, or loss to person or property that allegedly arises 193
from an action or omission of the health care worker in the 194

provision at a nonprofit shelter or health care facility to an 195
indigent and uninsured person of medical, dental, or other 196
health-related diagnosis, care, or treatment, unless the action or 197
omission constitutes willful or wanton misconduct. 198

(D) Subject to divisions (F) and (G)(3) of this section, a 199
nonprofit health care referral organization is not liable in 200
damages to any person or government entity in a tort or other 201
civil action, including an action on a medical, dental, 202
chiropractic, optometric, or other health-related claim, for 203
injury, death, or loss to person or property that allegedly arises 204
from an action or omission of the nonprofit health care referral 205
organization in referring indigent and uninsured persons to, or 206
arranging for the provision of, medical, dental, or other 207
health-related diagnosis, care, or treatment by a health care 208
professional described in division (B)(1) of this section or a 209
health care worker described in division (C) of this section, 210
unless the action or omission constitutes willful or wanton 211
misconduct. 212

(E) Subject to divisions ~~(E)~~(F) and ~~(F)~~(G)(3) of this section 213
and to the extent that the registration requirements of section 214
3701.071 of the Revised Code apply, a ~~nonprofit shelter or~~ health 215
care facility or location associated with a health care 216
professional described in division (B)(1) of this section or, a 217
health care worker described in division (C) of this section, or a 218
nonprofit health care referral organization described in division 219
(D) of this section is not liable in damages to any person or 220
government entity in a tort or other civil action, including an 221
action on a medical, dental, chiropractic, optometric, or other 222
health-related claim, for injury, death, or loss to person or 223
property that allegedly arises from an action or omission of the 224
health care professional or worker in providing for or nonprofit 225
health care referral organization relative to the ~~shelter or~~ 226

~~facility~~ medical, dental, or other health-related diagnosis, care, 227
or treatment provided to an indigent and uninsured person on 228
behalf of or at the health care facility or location, unless the 229
action or omission constitutes willful or wanton misconduct. 230

~~(F)~~(1) Except as provided in division ~~(F)~~(2) of this 231
section, the immunities provided by divisions (B), (C), ~~and~~ (D), 232
and (E) of this section are not available to ~~an individual or to a~~ 233
~~nonprofit shelter~~ a health care professional, health care worker, 234
nonprofit health care referral organization, or health care 235
facility or location if, at the time of an alleged injury, death, 236
or loss to person or property, the ~~individuals~~ health care 237
professionals or health care workers involved are providing one of 238
the following: 239

(a) Any medical, dental, or other health-related diagnosis, 240
care, or treatment pursuant to a community service work order 241
entered by a court under division (B) of section 2951.02 of the 242
Revised Code or imposed by a court as a community control 243
sanction; 244

(b) Performance of an operation; 245

(c) Delivery of a baby. 246

(2) Division ~~(F)~~(1) of this section does not apply ~~to an~~ 247
~~individual who provides, or a nonprofit shelter or health care~~ 248
~~facility at which the individual~~ when a health care professional 249
or health care worker provides, medical, dental, or other 250
health-related diagnosis, care, or treatment that is necessary to 251
preserve the life of a person in a medical emergency. 252

~~(F)~~(G)(1) This section does not create a new cause of action 253
or substantive legal right against a health care professional, 254
health care worker, nonprofit health care referral organization, 255
or ~~nonprofit shelter~~ or health care facility or location. 256

(2) This section does not affect any immunities from civil 257

liability or defenses established by another section of the 258
Revised Code or available at common law to which ~~an individual or~~ 259
a ~~nonprofit shelter~~ health care professional, health care worker, 260
nonprofit health care referral organization, or health care 261
facility or location may be entitled in connection with the 262
provision of emergency or other medical, dental, or other 263
health-related diagnosis, care, or treatment. 264

(3) This section does not grant an immunity from tort or 265
other civil liability to ~~an individual or a nonprofit shelter~~ 266
health care professional, health care worker, nonprofit health 267
care referral organization, or health care facility or location 268
for actions that are outside the scope of authority of health care 269
professionals or health care workers. 270

(4) This section does not affect any legal responsibility of 271
a health care professional ~~or,~~ health care worker, or nonprofit 272
health care referral organization to comply with any applicable 273
law of this state or rule of an agency of this state. 274

(5) This section does not affect any legal responsibility of 275
a ~~nonprofit shelter or~~ health care facility or location to comply 276
with any applicable law of this state, rule of an agency of this 277
state, or local code, ordinance, or regulation that pertains to or 278
regulates building, housing, air pollution, water pollution, 279
sanitation, health, fire, zoning, or safety. 280

Sec. 3701.071. (A) As used in this section, ~~"nonprofit:~~ 281

(1) "Indigent and uninsured person" has the same meaning as 282
in section 2305.234 of the Revised Code. 283

(2) "Nonprofit shelter or health care facility" has the same 284
meaning as in section 2305.234 of the Revised Code means a 285
charitable nonprofit corporation organized and operated pursuant 286
to Chapter 1702. of the Revised Code, or any charitable 287

organization not organized and not operated for profit, that 288
provides shelter, health care services, or shelter and health care 289
services to indigent and uninsured persons. "Nonprofit shelter or 290
health care facility" does not include a hospital, as defined in 291
section 3727.01 of the Revised Code, a facility licensed under 292
Chapter 3721. of the Revised Code, or a medical facility that is 293
operated for profit. 294

(B) A nonprofit shelter or health care facility operating in 295
this state shall register on the first day of January each year 296
with the department of health. The immunity provided by division 297
(~~D~~)(E) of section 2305.234 of the Revised Code is not available to 298
a nonprofit shelter or health care facility until the shelter or 299
facility registers with the department in accordance with this 300
section. 301

(C) A nonprofit shelter or health care facility operating in 302
this state shall keep records of all patients who receive medical, 303
dental, or other health-related diagnosis, care, or treatment at 304
the shelter or facility. The department of health shall monitor 305
the quality of care provided to patients at nonprofit shelters or 306
health care facilities. The monitoring program may be conducted by 307
contracting with another entity or through any other method 308
authorized by law. The department may solicit and accept funds 309
from private sources to fund the monitoring program. 310

Sec. 4715.42. (A)(1) As used in this section, "indigent and 311
uninsured person," ~~"nonprofit shelter or health care facility,"~~ 312
and "operation" have the same meanings as in section 2305.234 of 313
the Revised Code. 314

(2) For the purposes of this section, a person shall be 315
considered retired from practice if the person's license has been 316
surrendered or allowed to expire with the intention of ceasing to 317
practice as a dentist or dental hygienist for remuneration. 318

(B) The state dental board may issue, without examination, a
volunteer's certificate to a person who is retired from practice
so that the person may provide dental services to indigent and
uninsured persons ~~at nonprofit shelters or health care facilities.~~

(C) An application for a volunteer's certificate shall
include all of the following:

(1) A copy of the applicant's degree from dental college or
dental hygiene school.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license to practice
dentistry or dental hygiene issued by a jurisdiction in the United
States that licenses persons to practice dentistry or dental
hygiene.

(b) A copy of the applicant's most recent license equivalent
to a license to practice dentistry or dental hygiene in one or
more branches of the United States armed services that the United
States government issued.

(3) Evidence of one of the following, as applicable:

(a) The applicant has maintained for at least ten years prior
to retirement full licensure in good standing in any jurisdiction
in the United States that licenses persons to practice dentistry
or dental hygiene.

(b) The applicant has practiced as a dentist or dental
hygienist in good standing for at least ten years prior to
retirement in one or more branches of the United States armed
services.

(4) A notarized statement from the applicant, on a form
prescribed by the board, that the applicant will not accept any
form of remuneration for any dental services rendered while in
possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide 349
dental services ~~only on the premises of a nonprofit shelter or~~ 350
~~health care facility and~~ only to indigent and uninsured persons. 351
The holder shall not accept any form of remuneration for providing 352
dental services while in possession of the certificate. Except in 353
a dental emergency, the holder shall not perform any operation. 354
The board may revoke a volunteer's certificate on receiving proof 355
satisfactory to the board that the holder has engaged in practice 356
in this state outside the scope of the holder's certificate or 357
that there are grounds for action against the person under section 358
4715.30 of the Revised Code. 359

(E)(1) A volunteer's certificate shall be valid for a period 360
of three years, and may be renewed upon the application of the 361
holder, unless the certificate was previously revoked under 362
division (D) of this section. The board shall maintain a register 363
of all persons who hold volunteer's certificates. The board shall 364
not charge a fee for issuing or renewing a certificate pursuant to 365
this section. 366

(2) To be eligible for renewal of a volunteer's certificate, 367
the holder of the certificate shall certify to the board 368
completion of sixty hours of continuing dental education that 369
meets the requirements of section 4715.141 of the Revised Code and 370
the rules adopted under that section, or completion of eighteen 371
hours of continuing dental hygiene education that meets the 372
requirements of section 4715.25 of the Revised Code and the rules 373
adopted under that section, as the case may be. The board may not 374
renew a certificate if the holder has not complied with the 375
appropriate continuing education requirements. ~~The nonprofit~~ 376
~~shelter or health care facility in~~ Any entity for which the holder 377
provides dental services may pay for or reimburse the holder for 378
any costs incurred in obtaining the required continuing education 379
credits. 380

(3) The board shall issue to each person who qualifies under 381
this section for a volunteer's certificate a wallet certificate 382
and a wall certificate that state that the certificate holder is 383
authorized to provide dental services pursuant to the laws of this 384
state. The holder shall keep the wallet certificate on the 385
holder's person while providing dental services and shall display 386
the wall certificate prominently ~~in the nonprofit shelter or~~ 387
~~health care facility~~ at the location where the holder primarily 388
practices. 389

(4) The holder of a volunteer's certificate issued pursuant 390
to this section is subject to the immunity provisions in section 391
2305.234 of the Revised Code. 392

(F) The board shall adopt rules in accordance with Chapter 393
119. of the Revised Code to administer and enforce this section. 394

Sec. 4731.295. (A)(1) As used in this section, "indigent and 395
uninsured person," ~~"nonprofit shelter or health care facility,"~~ 396
and "operation" have the same meanings as in section 2305.234 of 397
the Revised Code. 398

(2) For the purposes of this section, a person shall be 399
considered retired from practice if the person's license or 400
certificate has expired with the person's intention of ceasing to 401
practice medicine and surgery or osteopathic medicine and surgery 402
for remuneration. 403

(B) The state medical board may issue, without examination, a 404
volunteer's certificate to a person who is retired from practice 405
so that the person may provide medical services to indigent and 406
uninsured persons ~~at nonprofit shelters or health care facilities.~~ 407
The board shall deny issuance of a volunteer's certificate to a 408
person who is not qualified under this section to hold a 409
volunteer's certificate. 410

(C) An application for a volunteer's certificate shall	411
include all of the following:	412
(1) A copy of the applicant's degree of medicine or	413
osteopathic medicine.	414
(2) One of the following, as applicable:	415
(a) A copy of the applicant's most recent license or	416
certificate authorizing the practice of medicine and surgery or	417
osteopathic medicine and surgery issued by a jurisdiction in the	418
United States that licenses persons to practice medicine and	419
surgery or osteopathic medicine and surgery.	420
(b) A copy of the applicant's most recent license equivalent	421
to a license to practice medicine and surgery or osteopathic	422
medicine and surgery in one or more branches of the United States	423
armed services that the United States government issued.	424
(3) Evidence of one of the following, as applicable:	425
(a) That the applicant has maintained for at least ten years	426
prior to retirement full licensure in good standing in any	427
jurisdiction in the United States that licenses persons to	428
practice medicine and surgery or osteopathic medicine and surgery.	429
(b) That the applicant has practiced for at least ten years	430
prior to retirement in good standing as a doctor of medicine and	431
surgery or osteopathic medicine and surgery in one or more of the	432
branches of the United States armed services.	433
(4) A notarized statement from the applicant, on a form	434
prescribed by the board, that the applicant will not accept any	435
form of remuneration for any medical services rendered while in	436
possession of a volunteer's certificate.	437
(D) The holder of a volunteer's certificate may provide	438
medical services only on the premises of a nonprofit shelter or	439
health care facility and only to indigent and uninsured persons.	440

The holder shall not accept any form of remuneration for providing 441
medical services while in possession of the certificate. Except in 442
a medical emergency, the holder shall not perform any operation or 443
deliver babies. The board may revoke a volunteer's certificate on 444
receiving proof satisfactory to the board that the holder has 445
engaged in practice in this state outside the scope of the 446
certificate. 447

(E)(1) A volunteer's certificate shall be valid for a period 448
of three years, unless earlier revoked under division (D) of this 449
section or pursuant to section 4731.22 of the Revised Code. A 450
volunteer's certificate may be renewed upon the application of the 451
holder. The board shall maintain a register of all persons who 452
hold volunteer's certificates. The board shall not charge a fee 453
for issuing or renewing a certificate pursuant to this section. 454

(2) To be eligible for renewal of a volunteer's certificate 455
the holder of the certificate shall certify to the board 456
completion of one hundred fifty hours of continuing medical 457
education that meets the requirements of section 4731.281 of the 458
Revised Code regarding certification by private associations and 459
approval by the board. The board may not renew a certificate if 460
the holder has not complied with the continuing medical education 461
requirements. ~~The nonprofit shelter or health care facility in~~ Any 462
entity for which the holder provides medical services may pay for 463
or reimburse the holder for any costs incurred in obtaining the 464
required continuing medical education credits. 465

(3) The board shall issue to each person who qualifies under 466
this section for a volunteer's certificate a wallet certificate 467
and a wall certificate that state that the certificate holder is 468
authorized to provide medical services pursuant to the laws of 469
this state. The holder shall keep the wallet certificate on the 470
holder's person while providing medical services and shall display 471
the wall certificate prominently ~~in the nonprofit shelter or~~ 472

~~health care facility~~ at the location where the holder primarily practices. 473
474

(4) The holder of a volunteer's certificate issued pursuant 475
to this section is subject to the immunity provisions in section 476
2305.234 of the Revised Code. 477

(F) The board shall adopt rules in accordance with Chapter 478
119. of the Revised Code to administer and enforce this section. 479

Section 2. That existing sections 2305.234, 3701.071, 480
4715.42, and 4731.295 of the Revised Code are hereby repealed. 481

Section 3. (A) As used in this section, "health care 482
professional," "health care worker," "indigent and uninsured 483
person," "nonprofit health care referral organization," and 484
"volunteer" have the same meanings as in section 2305.234 of the 485
Revised Code, as amended by this act. 486

(B) The Ohio Medical Malpractice Commission created by 487
Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly shall 488
have the following duties, in addition to the other duties 489
provided by law for the Commission: 490

(1) To study the affordability and availability of medical 491
malpractice insurance for health care professionals and health 492
care workers who are volunteers and for nonprofit health care 493
referral organizations; 494

(2) To study the feasibility of whether the state of Ohio 495
should provide catastrophic claims coverage, or an insurance pool 496
of any kind, for health care professionals and health care workers 497
to utilize as volunteers in providing medical, dental, or other 498
health-related diagnosis, care, or treatment to indigent and 499
uninsured persons; 500

(3) To study the feasibility of whether the state of Ohio 501

should create a fund to provide compensation to indigent and
uninsured persons who receive medical, dental, or other
health-related diagnosis, care, or treatment from health care
professionals or health care workers who are volunteers, for any
injury, death, or loss to person or property as a result of the
negligence or other misconduct by those health care professionals
or workers;

(4) To study whether the Good Samaritan laws of other states
offer approaches that are materially different from the Ohio Good
Samaritan Law as amended by this act, as contained in section
2305.234 of the Revised Code.

(C) The Commission shall submit a report of its findings
regarding all of the matters provided in division (B) of this
section to the members of the General Assembly not later than two
years after the effective date of this act.

(D) The Department of Insurance shall provide any technical,
professional, and clerical employees that are necessary for the
Commission to perform its duties under this section.

Section 4. That Section 2 of Sub. H.B. 221 of the 124th
General Assembly be amended to read as follows:

Sec. 2. Sections 3715.87, 3715.871, and 3715.872 of the
Revised Code as enacted by ~~this act~~ Sub. H.B. 221 of the 124th
General Assembly shall take effect ~~one year after the effective~~
~~date of this section~~ on January 1, 2004.

Section 5. That existing Section 2 of Sub. H.B. 221 of the
124th General Assembly is hereby repealed.

Section 6. Sections 1, 2, 3, 4, 5, 6, and 10 of this act
shall take effect ninety days after the effective date of this

act. 530

Section 7. Section 2305.234 of the Revised Code is presented 531
in this act as a composite of the section as amended by both Am. 532
Sub. H.B. 95 and Am. Sub. S.B. 51 of the 125th General Assembly. 533
The General Assembly, applying the principle stated in division 534
(B) of section 1.52 of the Revised Code that amendments are to be 535
harmonized if reasonably capable of simultaneous operation, finds 536
that the composite is the resulting version of the section in 537
effect prior to the effective date of the section as presented in 538
this act. 539