

Federal Tort Claims Act, Volunteer/Retired Providers, Good Samaritan Law Program Comparison

Volunteer/Retired Providers Program	Federal Tort Claims Act	Good Samaritan Law
Provides free malpractices insurance to specified, licensed, volunteer health care providers, paid for by the Washington State Department of Health	Protects credentialed and privileged volunteer health care providers in credentialed free clinic settings from liability against patients who have signed notification of the clinic's participation in this program	Indemnifies licensed health care providers, volunteering at community health care settings from civil liability, other than acts or omissions constituting gross negligence or willful misconduct Statute is silent on coverage of legal fees
Covers non-invasive health care	Covers all health care services, including invasive and specialty care	Covers all health care services.
Includes non-profit and for-profit clinics that serve low income patients, clinics that require minimal payment for service and non-profit and for-profit settings that maintain established hours on a regular basis to provide health care services to the public at a minimal charge	Includes free clinics that in no way, at no time, charge for medical services	Includes services rendered through a clinic operated by a public entity or tax exempt corporation, except a clinic that is owned, operated, or controlled by a hospital, OR a for-profit corporation, AND 1) maintains and holds itself out to the public as having established hours on a regular basis for providing free health care services to the public 2) is participating through written agreement in a community-based program to provide access to health care services for the uninsured
Covers specified licensed health care providers who are volunteering their services	Covers all licensed health care providers who are volunteering their services	Covers any licensed health care providers regulated by a disciplinary authority under RCW 18.130.040, who are volunteering their services without expectation of compensation.

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		Covers individuals providing care at the scene of an emergency without expectation of compensation
No patient notification required	Requires limited liability notification of each patient prior to first patient-provider contact for every provider Notification forms are signed and retained at the clinic	No patient notification required
Verification of current license is conducted by the Department of Health Determination of malpractice eligibility is conducted by VRP staff and the insurer Program eligibility is considered current until the provider no longer wishes to volunteer or the program is de-funded	Provider credentialing and privileging is conducted by the clinic and clinic board, and renewed every 2 years Supplemental applications are necessary each time a new provider is added to the site	No professional license verification process, however provider must fall within program definition for indemnification from liability to be valid
Site approval involves completion of a 2 page form submitted to the VRP program, and is permanent until the clinic is disbanded or the program de-funded	Site credentialing is conducted through completion of a 7 page form submitted to HHS and requires annual renewal	No site approval process, however site of service must fall within program definition for indemnification from liability to be valid
Claimant is eligible for punitive damages	Punitive damages are not awarded	There is no payment of damages
Standard trial by jury	Cases are tried in federal district court,	Defendant is indemnified from liability,

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	without a jury	other than acts or omissions constituting gross negligence or willful misconduct
Standard payment of claim	Payment of claim is subject to government appropriation	There is no payment of claim