
Prepared by the Policy Surveillance Program Staff

May 2013
Insurance Billing Practices for Sensitive Health Services: Provider Immunity Laws

I. **Scope:** Compile state laws or regulations that grant immunity from civil liability to licensed health care professionals who provide health care services without compensation.

II. **Primary Data Collection**

a. **Dates of data collection:** March 7, 2013 – May 31, 2013

b. **Dates covered in the dataset:** January 1, 1986 – May 31, 2013

c. **Data Collection Methods:** Two legally trained researchers, working independently on randomly selected states, used legal databases such as Westlaw and Lexis to identify relevant statutes and/or regulations. Consultation of non-subscription-based compilations of state law was used to ensure accessibility to the statutes for future researchers or users. All search terms and strategies were captured and recorded by the researchers, and the time spent on each task was tracked. Comprehensive “master search terms,” to capture relevant law within legal databases for most states, were developed, tested, and recorded.

d. **Search terms and databases used:** All searches were performed using either Westlaw Classic or Westlaw Next. Please see part E for searches run and exclusion criteria.

   i. volunteer charitable gratuitous & liab! & physician % speech % emergency % worker! % prison! % report! % taxation % juris! % donat! % hospice % pharma! % spor!

   ii. "without compensation" "without pay" & "health care" healthcare "medical" & liab! % jurisdiction % element! % foster % marri! % pension % committee % witness % worker!
e. **Information about initial returns and additional inclusion or exclusion criteria:** Search results regarding provider immunity were considered relevant if they concerned liability for individual providers of health care services including physicians, nurses, physician assistants or similar. Results which restricted liability protection to student providers, retired physicians, or other narrowly restricted categories of provider were excluded. Similarly, results which conferred liability protection based on care being provided during amateur sporting events or during emergencies were excluded.

### III. Coding

a. Questions were developed and entered into the LawAtlas Workbench.

b. Jurisdictions were randomly assigned for coding to two legally trained researchers. Twenty percent of the jurisdictions assigned were redundantly coded by both researchers. Coding was reviewed on a daily basis by a Supervisor who looked for errors in the coding and divergences in the redundant coding. Any issues identified were recorded in a daily coding review sheet by the Supervisor and discussed with the Researchers. After discussion, any issues were resolved and duplicate entries were deleted from the dataset.