

[(5) "Compensation" does not include actual and necessary expenses that are incurred by a volunteer in connection with the services the volunteer performs for a charitable organization and are reimbursed.

(6) "Suit" means any civil action, including any health care malpractice action filed with the Health Claims Arbitration Office, brought against an uncompensated volunteer or uncompensated physician or a charitable organization by virtue of the uncompensated individual's acts or omissions in providing services or performing duties on behalf of the charitable organization.]

(b) (1) [Licensed physicians and volunteers] A VOLUNTEER WHO IS A HEALTH CARE PROVIDER OR PHYSICIAN who [render] RENDERS health care services voluntarily and without compensation to any person seeking health care at a charitable organization [are] IS not liable, for any amount in excess of any applicable limit of insurance coverage, in any suit for civil damages for any act or omission resulting from the rendering of such services unless the act or omission constitutes:

[(1)](I) Willful or wanton misconduct;

[(2)](II) Gross negligence; or

[(3)](III) Intentionally tortious conduct.

(2) A VOLUNTEER WHO IS A HEALTH CARE PROVIDER OR PHYSICIAN WHO RENDERS HEALTH CARE SERVICES VOLUNTARILY AND WITHOUT COMPENSATION TO ANY PERSON SEEKING HEALTH CARE THROUGH A CHARITABLE ORGANIZATION CHARTERED TO PROVIDE HEALTH CARE SERVICES TO HOMELESS OR INDIGENT INDIVIDUALS IS NOT LIABLE, FOR ANY AMOUNT IN EXCESS OF ANY APPLICABLE LIMIT OF INSURANCE COVERAGE, IN ANY SUIT FOR CIVIL DAMAGES FOR ANY ACT OR OMISSION RESULTING FROM THE RENDERING OF SUCH SERVICES UNLESS THE ACT OR OMISSION CONSTITUTES:

(I) WILLFUL OR WANTON MISCONDUCT;

(II) GROSS NEGLIGENCE; OR

(III) INTENTIONALLY TORTIOUS CONDUCT.

(3) THE IMMUNITY FROM LIABILITY IN A SUIT FOR CIVIL DAMAGES PROVIDED TO A VOLUNTEER WHO IS A HEALTH CARE PROVIDER OR PHYSICIAN UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION APPLIES ONLY IF:

(I) INSURANCE COVERING THE ACT OR OMISSION OF THE VOLUNTEER WHICH IS THE SUBJECT MATTER OF THE SUIT IS MAINTAINED BY THE VOLUNTEER CLAIMING THE IMMUNITY OR BY THE CHARITABLE ORGANIZATION ON BEHALF OF WHICH THE VOLUNTEER RENDERED HEALTH CARE SERVICES; AND

(II) THE INSURANCE HAS:

1. A. A LIMIT OF COVERAGE OF NOT LESS THAN \$200,000 PER INDIVIDUAL CLAIM, AND \$500,000 PER TOTAL CLAIMS THAT ARISE FROM THE SAME OCCURRENCE; OR