

(ii) In a health care malpractice action, "volunteer" does not include a provider of HEALTH CARE services or an employee who performs duties on behalf of a charitable organization.

[(5) "Suit" means any civil action, including a health care malpractice action, brought against a volunteer of a charitable organization or against the charitable organization by virtue of the volunteer's acts or omissions in providing services or performing duties on behalf of the charitable organization.]

(b) A volunteer is not liable in damages beyond the limits of any personal insurance the volunteer may have in any suit that arises from [the actions or omissions of any of the officers, employees, trustees, or other volunteers of the charitable organization] AN ACT OR OMISSION OF AN OFFICER, DIRECTOR, EMPLOYEE, TRUSTEE, OR ANOTHER VOLUNTEER OF THE ASSOCIATION OR ORGANIZATION for which the volunteer performs services, unless:

(1) The volunteer knew or should have known of an [action] ACT or omission of a particular officer, DIRECTOR, employee, trustee, or [other] ANOTHER volunteer, and the volunteer authorizes, approves, or otherwise actively participates in that [action] ACT or omission; or

(2) After an [action] ACT or omission of a particular officer, DIRECTOR, employee, trustee, or [other] ANOTHER volunteer, the volunteer, with full knowledge of that [action] ACT or omission, ratifies it.

(c) A volunteer is not liable in damages beyond the limits of any personal insurance the volunteer may have in any suit that arises from the volunteer's [actions or omissions] ACT OR OMISSION in connection with any services [that] PROVIDED OR DUTIES PERFORMED BY the volunteer [performs for the charitable] ON BEHALF OF THE ASSOCIATION OR organization, unless an [action] ACT or omission of the volunteer constitutes GROSS NEGLIGENCE, reckless, willful, or wanton misconduct [or], OR intentionally tortious conduct.

(d) (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a volunteer.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the [Annotated] Code [of Maryland] or available at common law, to which a volunteer may be entitled [under circumstances not covered by this section].

(e) The provisions of this section do not apply to suits brought by the Attorney General upon referral by the Secretary of State in which willful violations of Article 41, §§ 3-201 through 3-214 of the Code are alleged and proven.

(F) THIS SECTION MAY BE CITED AS THE MARYLAND VOLUNTEER SERVICE ACT.

5-353.

(a) (1) In this section the following words have the meanings indicated.