



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 entitled:

AN ACT

To amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 129. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 aims to induce more health professionals to provide volunteer services by granting them immunity from civil liability in such situations. This is unnecessary given that Missouri already has a system in place that encourages volunteerism and protects both volunteer health professionals and the patients they treat. It would be bad public policy to deny individuals who receive poor medical care access to the legal system simply because the person who provided the care was a volunteer.

The State Legal Expense Fund (LEF) provides liability coverage for volunteers at free health clinics (section 105.711.2(3)(e), RSMo) and schools (section 105.711.2(3)(d), RSMo). A bill approved in 2009 extended LEF coverage to health professionals volunteering at summer camps (section 105.711.2(3)(d), RSMo). Under this system, an individual who receives substandard care has legal recourse. The health care professional alleged to have violated the standard of care does not have to pay out of his own pocket to compensate the patient – nor does he have to pay for an attorney, as he would be represented by the Attorney General (section 105.716 RSMo).

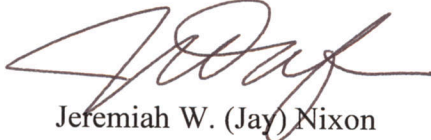
This system accomplishes both goals of encouraging volunteerism and protecting those harmed by medical malfeasance. Currently, the law targets specific areas of need and provides liability coverage to health professionals volunteering in those areas. If there is a gap in the current system provided for in Missouri law, it should be addressed within the system, as was done in 2009. I do not approve of the approach provided for in Senate Substitute for Senate Committee

Substitute for Senate Bill No. 129, which simply provides blanket immunity to any health professional who volunteers for a “sponsoring organization” regardless of the setting. This is inconsistent with the balanced approach that Missouri law already takes.

Missourians are quick to help their fellow citizens, whether in a disaster or elsewhere. And Missouri law already encourages this volunteerism by providing appropriate protections for volunteers and those they serve. This bill unnecessarily puts at risk those individuals who have the right to expect that the care they receive – in whatever setting and irrespective of compensation – is of the same high quality that health professionals rightly demand of themselves.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 without my approval.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jay Nixon", with a stylized flourish extending from the end.

Jeremiah W. (Jay) Nixon
Governor