

# HOUSE BILL No. 4829

April 23, 2009, Introduced by Reps. Pearce, Rick Jones, Lori, Tyler, Kowall, Rogers, Agema, Ball, Opsommer, Walsh, DeShazor, Horn, Roy Schmidt and Dean and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16185 (MCL 333.16185), as added by 2006 PA 25.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16185. (1) Subject to subsection (2), a physician who  
2 provides medical care under a special volunteer license granted  
3 under section 16184 is not liable in a civil action for personal  
4 injury or death proximately caused by the professional negligence  
5 or malpractice of the physician in providing the care if both of  
6 the following apply:

7           (a) The care is provided at a health facility or agency that  
8 provides at least ~~75%~~60% of its care annually to medically

1 indigent individuals.

2 (b) The physician does not receive and does not intend to  
3 receive compensation for providing the care.

4 (2) Subsection (1) does not apply if the negligent conduct or  
5 malpractice of the physician is gross negligence.

6 (3) As used in this section:

7 (a) "Gross negligence" means conduct so reckless as to  
8 demonstrate a substantial lack of concern for whether an injury  
9 results.

10 (b) "Medically indigent individual" means that term as defined  
11 in section 106 of the social welfare act, 1939 PA 280, MCL 400.106,  
12 **WITH THE EXCEPTION THAT AN INDIVIDUAL IS A MEDICALLY INDIGENT**  
13 **INDIVIDUAL UNDER THIS SECTION IF, INSTEAD OF MEETING THE CONDITIONS**  
14 **OF SECTION 106(1)(B) (iii) OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL**  
15 **400.106, THE INDIVIDUAL HAS AN ANNUAL HOUSEHOLD INCOME THAT IS**  
16 **BELOW 150% OF THE FEDERAL POVERTY GUIDELINES PUBLISHED ANNUALLY IN**  
17 **THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH AND**  
18 **HUMAN SERVICES UNDER ITS AUTHORITY TO REVISE THE POVERTY LINE UNDER**  
19 **42 USC 9902.**