

Legislative Analysis



SPECIAL VOLUNTEER LICENSE & IMMUNITY FOR RETIRED OPTOMETRISTS

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House Bill 4893

Sponsor: Rep. Mike Callton

Committee: Health Policy

Complete to 9-19-11

A SUMMARY OF HOUSE BILL 4893 AS INTRODUCED 9-7-11

The bill would allow a retired *optometrist* to obtain a special volunteer license to provide services to the indigent and also provide civil immunity to those licensees. The special volunteer license and immunity is currently only available to retired *physicians, podiatrists, and dentists* when providing services in eligible clinics.

Under provisions of the Public Health Code, a retired Michigan physician (M.D. or D.O.), podiatrist, or dentist who wishes to provide medical care or dental care for the indigent and needy or in medically underserved areas of the state can apply for a special volunteer license to provide such care on a volunteer basis. A separate section of the health code provides civil immunity for these retired health care professionals who provide care under the special volunteer license in certain types of facilities. For instance, a physician who provides medical care under a special volunteer license granted under provisions of the code is not liable in a civil action for personal injury or death that was proximately caused by the professional negligence or malpractice of the physician in providing the care if the care was provided at a health facility or agency that provided at least 75 percent of its care annually to medically indigent individuals and the physician did not receive and did not intend to receive compensation for providing the care. The immunity does not apply to negligent conduct or malpractice that is gross negligence.

House Bill 4893 would amend the Public Health Code to expand both the retired special license and the civil immunity provisions to include retired optometrists providing services under a special volunteer license at the type of health facilities or agencies described above. Immunity would not apply if the negligent conduct or malpractice of the individual was gross negligence.

MCL 333.16184 and 333.16185

FISCAL IMPACT:

House Bill 4893 as introduced would have a modest fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). By amending the Public Health Code to enable optometrists to obtain a "special volunteer license," HB 4893 would increase expenditures for the Bureau of Health Professions (Bureau) which oversees the Board of Optometry in drafting and reviewing applications for the special volunteer license. The

code stipulates that the Board may not charge a fee for the issuance or renewal of a special volunteer license so the entire costs of application review would be borne by the Bureau.

There are approximately 52,504 professionally licensed MDs, DOs, podiatrists, and dentists currently in the state and 29 retired medical providers with special volunteer licenses. There are approximately 1,627 licensed optometrists currently in the state. Given the low rate of utilization of the special volunteer license by medical providers who can currently obtain it, the Bureau does not expect a large increase in expenditures from expanding the ability to obtain the special volunteer license to optometrists.

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