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House Bill 4389 (as reported without amendment)

Sponsor: Representative Jim Stamas

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to extend to dentists immunity from civil liability granted to physicians practicing under a special volunteer license.

Under the Code, an individual may obtain a special volunteer license to practice if he or she is retired from the active practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry and wishes to donate his or her expertise for the care and treatment of indigent and needy people or for the medical or dental care and treatment of people in medically underserved areas.

A physician who provides medical care under a special volunteer license is not liable in a civil action for personal injury or death proximately caused by his or her professional negligence or malpractice in providing care if both of the following apply:

- The care is provided at a health facility or agency that provides at least 75% of its care annually to medically indigent individuals.
- The physician does not receive and does not intend to receive compensation for providing the care.

The immunity from liability does not apply if the negligent conduct or malpractice of the physician is gross negligence (i.e., conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).

The bill would eliminate references to a physician in the liability provisions, and instead refer to an individual who provides care under a special volunteer license to engage in the practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry.

MCL 333.16185

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The expansion of immunity to retired dentists could result in more retired providers seeking a volunteer license. Such an increase would result in a minor increase in licensing costs.

Date Completed: 5-6-11

Fiscal Analyst: Steve Angelotti