

SUBSTITUTE FOR
HOUSE BILL NO. 4893

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185),
section 16184 as amended by 2006 PA 591 and section 16185 as
amended by 2011 PA 55.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16184. (1) An individual who is retired from the active
2 practice of medicine, osteopathic medicine and surgery, podiatric
3 medicine and surgery, **OPTOMETRY**, or dentistry and who wishes to
4 donate his or her expertise for the medical, **OPTOMETRIC**, or dental
5 care and treatment of indigent and needy individuals in this state
6 or for the medical, **OPTOMETRIC**, or dental care and treatment of
7 individuals in medically underserved areas of this state may obtain

1 a special volunteer license to engage in the practice of medicine,
2 osteopathic medicine and surgery, podiatric medicine and surgery,
3 **OPTOMETRY**, or dentistry by submitting an application to the board
4 pursuant to this section. An application for a special volunteer
5 license shall be on a form provided by the department and shall
6 include each of the following:

7 (a) Documentation that the individual has been previously
8 licensed to engage in the practice of medicine, osteopathic
9 medicine and surgery, podiatric medicine and surgery, **OPTOMETRY**, or
10 dentistry in this state and that his or her license was in good
11 standing prior to the expiration of his or her license.

12 (b) Acknowledgment and documentation that the applicant will
13 not receive any payment or compensation, either direct or indirect,
14 or have the expectation of any payment or compensation, for any
15 medical, **OPTOMETRIC**, or dental care services provided under the
16 special volunteer license.

17 (c) If the applicant has been out of practice for 3 or more
18 years, documentation that, during the 3 years immediately preceding
19 the application, he or she has attended at least 2/3 of the
20 continuing education courses or programs required under part 170,
21 175, 180, **174**, or 166 for the renewal of a license.

22 (2) If the board determines that the application of the
23 individual satisfies the requirements of subsection (1) and that
24 the individual meets the requirements for a license as prescribed
25 by this article and rules promulgated under this article, the board
26 shall grant a special volunteer license to the applicant. A
27 licensee seeking renewal under this section shall provide the board

1 with an updated acknowledgment and documentation as described under
2 subsection (1)(b). Except as otherwise provided under this
3 subsection, the board shall not charge a fee for the issuance or
4 renewal of a special volunteer license under this section.

5 (3) Except as otherwise provided under this subsection, an
6 individual who is granted a special volunteer license pursuant to
7 this section and who accepts the privilege of practicing medicine,
8 osteopathic medicine and surgery, podiatric medicine and surgery,
9 **OPTOMETRY**, or dentistry in this state is subject to all of the
10 provisions of this article, including those provisions concerning
11 continuing education and disciplinary action.

12 (4) For purposes of this section, an individual is considered
13 retired from practice if the individual's license has expired with
14 the individual's intention of ceasing to engage in the practice of
15 medicine, osteopathic medicine and surgery, podiatric medicine and
16 surgery, **OPTOMETRY**, or dentistry for remuneration.

17 (5) **AN INDIVIDUAL WHO IS GRANTED A SPECIAL VOLUNTEER LICENSE**
18 **UNDER THIS SECTION SHALL ONLY ENGAGE IN ACTIVITIES WITHIN THE SCOPE**
19 **OF PRACTICE OF THE PROFESSION FOR WHICH HE OR SHE WAS LICENSED**
20 **PRIOR TO RETIREMENT.**

21 Sec. 16185. (1) Subject to subsection (2), an individual who
22 provides care under a special volunteer license to engage in the
23 practice of medicine, osteopathic medicine and surgery, podiatric
24 medicine and surgery, **OPTOMETRY**, or dentistry granted under section
25 16184 is not liable in a civil action for personal injury or death
26 proximately caused by the professional negligence or malpractice of
27 the individual in providing the care if both of the following

1 apply:

2 (a) The care is provided at a health facility or agency that
3 provides at least 75% of its care annually to medically indigent
4 individuals.

5 (b) The individual does not receive and does not intend to
6 receive compensation for providing the care.

7 (2) Subsection (1) does not apply if the negligent conduct or
8 malpractice of the individual is gross negligence.

9 (3) As used in this section:

10 (a) "Gross negligence" means conduct so reckless as to
11 demonstrate a substantial lack of concern for whether an injury
12 results.

13 (b) "Medically indigent individual" means that term as defined
14 in section 106 of the social welfare act, 1939 PA 280, MCL 400.106.