

# HOUSE BILL No. 4893

September 7, 2011, Introduced by Reps. Callton, Olson, Shirkey, Johnson, McCann, Hovey-Wright, Huuki, Haines, MacGregor, Muxlow, Hooker, Yonker, Scott, Darany and Liss and referred to the Committee on Health Policy.

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

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

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

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

5 (3) As used in this section:

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

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