

Act No. 4
Public Acts of 2012
Approved by the Governor
February 7, 2012
Filed with the Secretary of State
February 7, 2012
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STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

**Introduced by Reps. Callton, Olson, Shirkey, Johnson, McCann, Hovey-Wright, Huuki, Haines, MacGregor,
Muxlow, Hooker, Yonker, Scott, Darany and Liss**

ENROLLED HOUSE BILL No. 4893

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

Sec. 16184. (1) An individual who is retired from the active practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, optometry, or dentistry and who wishes to donate his or her expertise for the medical, optometric, or dental care and treatment of indigent and needy individuals in this state or for the medical, optometric, or dental care and treatment of individuals in medically underserved areas of this state may obtain a special volunteer license to engage in the practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, optometry, or dentistry by submitting an application to the board pursuant to this section. An application for a special volunteer license shall be on a form provided by the department and shall include each of the following:

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

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

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

(2) If the board determines that the application of the individual satisfies the requirements of subsection (1) and that the individual meets the requirements for a license as prescribed by this article and rules promulgated under this article, the board shall grant a special volunteer license to the applicant. A licensee seeking renewal under this section shall provide the board with an updated acknowledgment and documentation as described under subsection (1)(b). Except as otherwise provided under this subsection, the board shall not charge a fee for the issuance or renewal of a special volunteer license under this section.

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

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

(5) An individual who is granted a special volunteer license under this section shall only engage in activities within the scope of practice of the profession for which he or she was licensed prior to retirement.

Sec. 16185. (1) Subject to subsection (2), 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, optometry, or dentistry granted under section 16184 is not liable in a civil action for personal injury or death proximately caused by the professional negligence or malpractice of the individual in providing the care if both of the following apply:

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

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

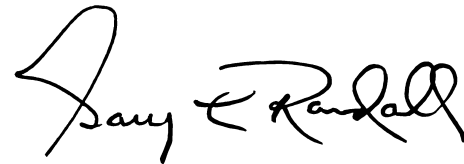
(2) Subsection (1) does not apply if the negligent conduct or malpractice of the individual is gross negligence.

(3) As used in this section:

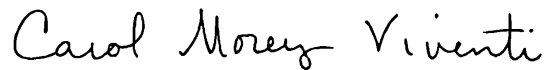
(a) "Gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor