

HOUSE BILL No. 6066

September 16, 1992, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to provide limited immunity from liability to certain health care providers under certain circumstances; and to provide limited immunity from liability to persons who provide certain preventative health screening services under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "uncompensated medical care liability act".

3 Sec. 2. As used in this act:

4 (a) "Direct remuneration or compensation" means direct
5 receipt of payment from a patient or from a public or private
6 health care payment or benefits plan on behalf of the patient.
7 Direct remuneration or compensation does not include a grant or
8 donation to provide medical care or preventative health screening
9 services, unless the grant or donation is conditioned on the

1 volume of patients receiving the medical care or preventative
2 health screening services.

3 (b) "Health care provider" means a hospital, physician, or
4 other person licensed, registered, or certified to provide medi-
5 cal care to humans.

6 (c) "Hospital" means a hospital licensed under article 17 of
7 the public health code, Act No. 368 of the Public Acts of 1978,
8 being sections 333.20101 to 333.22260 of the Michigan Compiled
9 Laws.

10 (d) "Physician" means a physician licensed or otherwise
11 authorized to engage in the practice of medicine or the practice
12 of osteopathic medicine and surgery under article 15 of Act
13 No. 368 of the Public Acts of 1978, being sections 333.16101 to
14 333.18838 of the Michigan Compiled Laws.

15 (e) "Person" means an individual or a sole proprietorship,
16 partnership, corporation, or other legal entity.

17 Sec. 3. (1) Subject to subsection (2), a health care pro-
18 vider who provides medical care to a patient without receiving
19 direct remuneration or compensation in exchange for providing the
20 medical care is not liable in a civil action for damages for acts
21 or omissions in providing the medical care, unless the acts or
22 omissions were the result of gross negligence or willful and
23 wanton misconduct.

24 (2) The limitation on liability provided under subsection
25 (1) applies only if the health care provider does both of the
26 following:

1 (a) Before providing the medical care, discloses in writing
2 to the patient or, if the patient is a minor, to the minor's
3 parent, guardian, or person in loco parentis that the health care
4 provider is providing the medical care without receiving direct
5 remuneration or compensation.

6 (b) Before providing the medical care, obtains a signed,
7 written statement from the patient or, if the patient is a minor,
8 from the minor's parent, guardian, or person in loco parentis
9 waiving the patient's right to sue for damages for professional
10 negligence, except acts or omissions that are the result of gross
11 negligence or willful and wanton misconduct, in exchange for
12 receiving the uncompensated medical care. A signed, written
13 statement executed on behalf of a minor under this subdivision is
14 valid and binding on the minor. The minor cannot subsequently
15 disaffirm the statement.

16 Sec. 4. (1) Subject to subsection (2), a person who spon-
17 sors, promotes, organizes, or operates a preventative health
18 screening clinic or provides a health screening service to check
19 blood pressure, cholesterol levels, or other preventative health
20 indicators without receiving direct remuneration or compensation
21 in exchange for the service provided is not liable in a civil
22 action for damages for acts or omissions in providing the serv-
23 ice, unless the acts or omissions were the result or gross negli-
24 gence or willful and wanton misconduct.

25 (2) The limitation on liability provided under subsection
26 (1) applies only if the person described in subsection (1) posts
27 a notice in a conspicuous place at the health screening clinic or

1 other place where a health screening service is provided. The
2 notice shall state that pursuant to this act, the person is not
3 liable in a civil action for damages for acts or omissions in
4 providing the health screening service, except acts or omissions
5 resulting from gross negligence or willful and wanton
6 misconduct.