



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 655 (Substitute S-2 as reported)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to provide that an individual could not bring a medical malpractice action for medical treatment or care provided to that individual while he or she was incarcerated in a correctional facility unless the individual or his or her health insurer paid for the treatment or care, or the act or omission of the person providing the treatment or care were grossly negligent or intentional.

“Correctional facility” would be defined as it is in the Correctional Officers’ Training Act, i.e., either of the following:

- A facility of institution that houses an inmate population under the jurisdiction of the Department of Corrections.
- A municipal or county jail, work camp, lockup, holding center, halfway house, community corrections center, or any other facility maintained by a municipality or county that houses adult prisoners.

MCL 600.2912a

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill could result in savings to the State. In 1995, there were 79 lawsuits filed by prisoners concerning medical issues. In addition, in 1995, the State paid to prisoners settlements totaling \$240,000 in two cases involving medical malpractice. Under the bill, these settlements would not be paid. While health care providers who are State employees are covered under general governmental immunity provisions, prisoners are able to collect for damages in those cases in which gross negligence is shown, or in cases in which the State reaches settlement.

Date Completed: 11-22-96

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.