

**SENATE BILL NO. 1348**

November 5, 1998, Introduced by Senator NORTH and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** SEC. 16277. (1) A LICENSEE OR REGISTRANT WHO PROVIDES NON-  
**2** EMERGENCY MEDICAL OR DENTAL CARE TO A PATIENT WITHOUT RECEIVING  
**3** COMPENSATION FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL  
**4** CARE IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR  
**5** OMISSIONS IN PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE,  
**6** UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE  
**7** OR WILLFUL AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE  
**8** PATIENT.

**9** (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION  
**10** (1) APPLIES WHETHER THE NONEMERGENCY MEDICAL OR DENTAL CARE IS  
**11** PROVIDED IN A HEALTH FACILITY THAT DOES NOT RECEIVE COMPENSATION

1 FOR THE NONEMERGENCY MEDICAL OR DENTAL CARE PROVIDED OR IN THE  
2 LICENSEE'S OR REGISTRANT'S PRIVATE PRACTICE OFFICE.

3 (3) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION  
4 (1) ALSO APPLIES IF THE PATIENT WHO RECEIVES THE NONEMERGENCY  
5 MEDICAL OR DENTAL CARE IS REFERRED TO THE LICENSEE OR REGISTRANT,  
6 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

7 (A) THE LICENSEE OR REGISTRANT DOES NOT RECEIVE COMPENSATION  
8 FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE.

9 (B) THE PATIENT IS REFERRED FROM A HEALTH FACILITY THAT DOES  
10 NOT RECEIVE COMPENSATION FOR NONEMERGENCY MEDICAL OR DENTAL CARE,  
11 IF ANY, PROVIDED TO THE PATIENT AS PART OF THE REFERRAL.

12 (C) THE LICENSEE OR REGISTRANT HAS NO FINANCIAL INTEREST IN  
13 THE HEALTH FACILITY FROM WHICH THE PATIENT WAS REFERRED.

14 (4) AS USED IN THIS SECTION:

15 (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT OR EXPECTED  
16 RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR FROM A PUBLIC OR  
17 PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON BEHALF OF THE  
18 PATIENT OR INDIRECTLY IN THE FORM OF WAGES, SALARY, OR OTHER  
19 VALUABLE CONSIDERATION PURSUANT TO AN EMPLOYMENT OR SERVICE  
20 AGREEMENT.

21 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY  
22 LICENSED UNDER ARTICLE 17.

23 SEC. 20190. (1) A HEALTH FACILITY OR AGENCY THAT PROVIDES  
24 NONEMERGENCY MEDICAL OR DENTAL CARE TO A PATIENT WITHOUT RECEIV-  
25 ING COMPENSATION FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL  
26 CARE IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR  
27 OMISSIONS IN PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE,

1 UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE  
2 OR WILLFUL AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE  
3 PATIENT.

4 (2) AS USED IN THIS SECTION, "COMPENSATION" MEANS RECEIPT OF  
5 PAYMENT OR EXPECTED RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR  
6 FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON  
7 BEHALF OF THE PATIENT OR INDIRECTLY IN THE FORM OF WAGES, SALARY,  
8 OR OTHER VALUABLE CONSIDERATION PURSUANT TO AN EMPLOYMENT OR  
9 SERVICE AGREEMENT.