

**LEGAL IMMUNITY FOR HEALTH
PRACTITIONERS IN FREE CLINICS**

Senate Bill 30 (Substitute H-3)
Sponsor: Sen. Walter H. North

Addendum to SFA Analysis (6-28-01)

Senate Committee: Health Policy
House Committee: Health Policy

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 30 DATED 3-19-01:

HOUSE COMMITTEE ACTION:

The House Committee on Health Policy substituted the Senate-passed (S-1) version of the bill to do the following:

- Require that a licensed or registered health professional provide patients with a written disclosure describing the limitation of liability (and stating that the health care was free and that no compensation for the care would be requested), and require that the patient sign an acknowledgement of receipt of the written disclosure;
- Add a provision specifying that the bill would not affect the liability of a health facility or entity described in the bill (namely, entities that were not health facilities but that provided nonemergency health care to uninsured or under-insured people through the voluntary services of licensed or registered health professionals who received no compensation for providing the care) as it existed before the bill's effective date;
- Clarify that the "other support" referred to in the bill on page 2, line 24, would not include health care services; and
- Add an enacting section with an effective date of January 1, 2002 and apply the bill's provisions to causes of action that arose on or after that effective date.

SUGGESTED AMENDMENTS:

An amendment offered in committee that was not adopted would have addressed a possible constitutional problem involving equal access to the courts by free clinic patients who were referred to other health care providers or facilities. The effect of the amendment would have been to hold free clinics legally liable when they referred patients to other providers. The amendment would have amended page 3, line 3 after "section" by inserting the following: "The scope of the liability under this section is the same for a referring health facility or entity described in subsection (2) when health care services are provided as a result of a referral as when health care services are provided directly by the health facility or entity."

POSITIONS:

The Department of Community Health indicated support for the bill. (4-17-01)

The Michigan State Medical Society indicated support for the bill. (6-19-01)

The Michigan Health and Hospital Association indicated support for the bill. (6-28-01)

The Michigan Dental Association indicated support for the bill. (4-17-01)

The Petosky Community Free Clinic indicated support for the bill. (6-19-01)

Mercy Hospital PHO indicated support for the bill. (4-17-01)

The National Kidney Foundation of Michigan indicated support for the bill. (4-17-01)

The Upper Peninsula Michigan Diabetes Outreach Network indicated support for the bill.
(4-17-01)

The Michigan Trial Lawyers Association opposes the bill. (6-28-01)

The Negligence Law Section of the Michigan State Bar indicated opposition to the bill. (6-
28-01)

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Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.