

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 30

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16277. (1) A LICENSEE OR REGISTRANT WHO PROVIDES TO A
2 PATIENT NONEMERGENCY HEALTH CARE THAT THE LICENSEE OR REGISTRANT
3 IS LICENSED OR REGISTERED UNDER THIS ARTICLE TO PROVIDE, AND WHO
4 RECEIVES NO COMPENSATION FOR PROVIDING THE NONEMERGENCY HEALTH
5 CARE, IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR
6 OMISSIONS IN PROVIDING THE NONEMERGENCY HEALTH CARE, UNLESS THE
7 ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE OR WILLFUL
8 AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE PATIENT.
9 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
10 (1) APPLIES ONLY IF THE NONEMERGENCY HEALTH CARE IS PROVIDED

SB30, As Passed House, July 11, 2001

Sub. SB 30 (H-3) as amended June 28, 2001 2

1 INSIDE THE PREMISES OF [] EITHER
2 OF THE FOLLOWING:

3 (A) A HEALTH FACILITY ORGANIZED AND OPERATED FOR THE SOLE
4 PURPOSE OF DELIVERING NONEMERGENCY HEALTH CARE WITHOUT RECEIVING
5 COMPENSATION.

6 (B) AN ENTITY THAT IS NOT A HEALTH FACILITY AND THAT PRO-
7 VIDES NONEMERGENCY HEALTH CARE TO UNINSURED OR UNDER-INSURED
8 INDIVIDUALS THROUGH THE VOLUNTARY SERVICES OF LICENSEES OR REGIS-
9 TRANTS WHO RECEIVE NO COMPENSATION FOR PROVIDING THE NONEMERGENCY
10 HEALTH CARE.

11 (3) IN ADDITION TO THE RESTRICTIONS UNDER SUBSECTION (1),
12 THE LIMITATION ON LIABILITY PROVIDED IN SUBSECTION (1) DOES NOT
13 APPLY IN REGARD TO THE NONEMERGENCY HEALTH CARE OF A PATIENT
14 UNLESS, BEFORE THE LICENSEE OR REGISTRANT PROVIDES THAT HEALTH
15 CARE, BOTH OF THE FOLLOWING OCCUR:

16 (A) THE LICENSEE OR REGISTRANT PROVIDES THE PATIENT WITH A
17 WRITTEN DISCLOSURE DESCRIBING THE LIMITATION ON LIABILITY AND
18 STATING THAT THE HEALTH CARE IS FREE AND COMPENSATION FOR THE
19 HEALTH CARE WILL NOT BE REQUESTED FROM ANY SOURCE.

20 (B) THE PATIENT SIGNS AN ACKNOWLEDGMENT OF RECEIPT OF THE
21 WRITTEN DISCLOSURE.

22 (4) A HEALTH FACILITY, OTHER THAN A HEALTH FACILITY
23 DESCRIBED IN SUBSECTION (2), THAT PROVIDES FINANCIAL, IN-KIND, OR
24 OTHER SUPPORT, NOT INCLUDING HEALTH CARE SERVICES, TO A HEALTH
25 FACILITY OR OTHER ENTITY DESCRIBED IN SUBSECTION (2) IS NOT
26 LIABLE IN A CIVIL ACTION FOR DAMAGES BASED ON NONEMERGENCY HEALTH

1 CARE PROVIDED BY THE HEALTH FACILITY OR ENTITY DESCRIBED IN
2 SUBSECTION (2).

3 (5) THIS SECTION DOES NOT AFFECT THE LIABILITY OF A HEALTH
4 FACILITY OR ENTITY DESCRIBED IN SUBSECTION (2) AS THAT LIABILITY
5 EXISTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

6 (6) THIS SECTION DOES NOT APPLY TO A CIVIL ACTION FOR DAM-
7 AGES FOR ACTS OR OMISSIONS IF THE NONEMERGENCY HEALTH CARE IS
8 SURGERY THAT CUSTOMARILY REQUIRES MORE THAN A LOCAL ANESTHETIC.

9 (7) AS USED IN THIS SECTION:

10 (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT OR EXPECTED
11 RECEIPT OF PAYMENT FROM ANY SOURCE, INCLUDING, BUT NOT LIMITED
12 TO, RECEIPT OF PAYMENT OR EXPECTED RECEIPT OF PAYMENT DIRECTLY
13 FROM A PATIENT, FROM A PATIENT'S PARENT, GUARDIAN, OR SPOUSE, OR
14 FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON
15 BEHALF OF THE PATIENT, OR INDIRECTLY IN THE FORM OF WAGES,
16 SALARY, OR OTHER VALUABLE CONSIDERATION UNDER AN EMPLOYMENT OR
17 SERVICE AGREEMENT.

18 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
19 LICENSED UNDER ARTICLE 17.

20 Enacting section 1. Section 16277 of the public health
21 code, 1978 PA 368, MCL 333.16277, as added by this amendatory
22 act, takes effect January 1, 2002 and applies to a cause of
23 action arising on or after that effective date.