

Legislative Analysis



CIVIL IMMUNITY: SPECIAL VOLUNTEER PHYSICIANS

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House Bill 5375

Sponsor: Rep. Gary A. Newell

Committee: Judiciary

Complete to 11-7-05

A SUMMARY OF HOUSE BILL 5375 AS INTRODUCED 10-26-05

The bill would add a new section to the Public Health Code (MCL 333.16185) to specify that a physician who provides medical care under a special volunteer license granted under provisions of House Bill 4670 would not be liable in a civil action for personal injury or death that was proximately caused by the professional negligence or malpractice of the physician in providing the care. Civil immunity would only apply if the care was provided at a health facility or agency that provided at least 75 percent of its care annually to medically indigent individuals and the physician did not receive and did not intend to receive compensation for providing the care.

The bill would not extend civil immunity if the negligent conduct or malpractice of the physician was gross negligence. The bill would define "gross negligence" as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury resulted. "Medically indigent individual" would mean that term as defined in Section 106 of the Social Welfare Act (MCL 400.106).

The bill is tie-barred to House Bill 4670, which would amend the health code to create a special volunteer license for retired M.D.s or D.O.s who wish to donate their expertise for the medical care and treatment of indigent and needy individuals or for the medical care and treatment of individuals in medically underserved areas.

FISCAL IMPACT:

The bill would have no fiscal impact for the state or local units of government.

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