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BILL ANALYSIS

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House Bill 5375 (as passed by the House)
Sponsor: Representative Gary A. Newell
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-6-05

CONTENT

The bill would amend the Public Health Code to provide for civil immunity for retired physicians who volunteered their services at a health facility or agency serving the medically indigent.

Specifically, a physician who provided medical care under a special volunteer license granted under Section 16184 (proposed by House Bill 4670) would not be liable in a civil action for personal injury or death proximately caused by the professional negligence or malpractice of the physician in providing the care, if both of the following applied:

- The care was provided at a health facility or agency that provided at least 75% of its care annually to "medically indigent individuals" as that term is defined in the Social Welfare Act (MCL 400.106).
- The physician did not receive and did not intend to receive compensation for providing the care.

The bill's immunity from liability would not apply if the physician's negligent conduct or malpractice were gross negligence. ("Gross negligence" would mean conduct so reckless as to demonstrate a substantial lack of concern for whether an injury resulted.)

The bill is tie-barred to House Bill 4670, which would amend the Public Health Code to allow an individual who was retired from the active practice of medicine or osteopathic medicine and surgery and who wished to donate his or her expertise for the medical care and treatment of indigent and needy individuals, or in medically underserved areas, to obtain a special volunteer license to engage in the practice of medicine or osteopathic medicine and surgery.

Proposed MCL 333.16185

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. The extent to which it would facilitate additional volunteer services and possibly offset State and local costs of caring for the medically indigent cannot be determined.

Fiscal Analyst: Stephanie Yu

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