

# HOUSE BILL No. 5375

October 26, 2005, Introduced by Reps. Newell, Meyer, David Law, Accavitti, Nofs, Wojno, Condino, Lipsey, Adamini, Whitmer, Stakoe, Elsenheimer, Rocca, Schuitmaker, Jones, Gaffney, Pearce and Caswell and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 16185.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 16185. (1) SUBJECT TO SUBSECTION (2), A PHYSICIAN WHO  
2 PROVIDES MEDICAL CARE UNDER A SPECIAL VOLUNTEER LICENSE GRANTED  
3 UNDER SECTION 16184 IS NOT LIABLE IN A CIVIL ACTION FOR PERSONAL  
4 INJURY OR DEATH PROXIMATELY CAUSED BY THE PROFESSIONAL NEGLIGENCE  
5 OR MALPRACTICE OF THE PHYSICIAN IN PROVIDING THE CARE IF BOTH OF  
6 THE FOLLOWING APPLY:

7        (A) THE CARE IS PROVIDED AT A HEALTH FACILITY OR AGENCY THAT  
8 PROVIDES AT LEAST 75% OF ITS CARE ANNUALLY TO MEDICALLY INDIGENT  
9 INDIVIDUALS.

10        (B) THE PHYSICIAN DOES NOT RECEIVE AND DOES NOT INTEND TO

1 RECEIVE COMPENSATION FOR PROVIDING THE CARE.

2 (2) SUBSECTION (1) DOES NOT APPLY IF THE NEGLIGENT CONDUCT OR  
3 MALPRACTICE OF THE PHYSICIAN IS GROSS NEGLIGENCE.

4 (3) AS USED IN THIS SECTION:

5 (A) "GROSS NEGLIGENCE" MEANS CONDUCT SO RECKLESS AS TO  
6 DEMONSTRATE A SUBSTANTIAL LACK OF CONCERN FOR WHETHER AN INJURY  
7 RESULTS.

8 (B) "MEDICALLY INDIGENT INDIVIDUAL" MEANS THAT TERM AS DEFINED  
9 IN SECTION 106 OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.106.

10 Enacting section 1. This amendatory act does not take effect  
11 unless House Bill No. 4670 of the 93rd Legislature is enacted into  
12 law.