

SUBSTITUTE FOR
HOUSE BILL NO. 6392
(As amended November 30, 2006)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185),
section 16184 as added by 2006 PA 24 and section 16185 as added by
2006 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16184. (1) An individual who is retired from the active
2 practice of medicine, osteopathic medicine and surgery, ~~or~~
3 podiatric medicine and surgery, [DENTAL HYGIENE, OPTOMETRY, PSYCHOLOGY,
 OR DENTISTRY and who wishes to
4 donate his or her expertise for the medical[, OPTOMETRIC, PSYCHOLOGICAL,
 OR DENTAL care and
5 treatment of indigent and needy individuals in this state or for
6 the medical[, OPTOMETRIC, PSYCHOLOGICAL,] OR DENTAL care and treatment of
7 individuals in
8 medically underserved areas of this state may obtain a special
9 volunteer license to engage in the practice of medicine,
10 osteopathic medicine and surgery, ~~or~~ podiatric medicine and

House Bill No. 6392 (H-1) as amended November 30, 2006

1 surgery, **[DENTAL HYGIENE, OPTOMETRY, PSYCHOLOGY,]** OR **DENTISTRY** by
submitting an application to the board

2 pursuant to this section. An application for a special volunteer
3 license shall be on a form provided by the department and shall
4 include each of the following:

5 (a) Documentation that the individual has been previously
6 licensed to engage in the practice of medicine, osteopathic
7 medicine and surgery, ~~or~~ podiatric medicine and surgery, **[DENTAL**
HYGIENE, OPTOMETRY, PSYCHOLOGY,] OR
8 **DENTISTRY** in this state and that his or her license was in good
9 standing prior to the expiration of his or her license.

10 (b) Acknowledgment and documentation that the applicant will
11 not receive any payment or compensation, either direct or indirect,
12 or have the expectation of any payment or compensation, for any
13 medical**[, OPTOMETRIC, PSYCHOLOGICAL,]** OR **DENTAL** care services provided
under the special
14 volunteer license.

15 (c) If the applicant has been out of practice for 3 or more
16 years, documentation that, during the 3 years immediately preceding
17 the application, he or she has attended at least 2/3 of the
18 continuing education courses or programs required under part 170,
19 175, ~~or~~ 180, **[174, 182,]** OR **166** for the renewal of a license.

20 (2) If the board determines that the application of the
21 individual satisfies the requirements of subsection (1) and that
22 the individual meets the requirements for a license as prescribed
23 by this article and rules promulgated under this article, the board
24 shall grant a special volunteer license to the applicant. A
25 licensee seeking renewal under this section shall provide the board
26 with an updated acknowledgment and documentation as described under
27 subsection (1)(b). Except as otherwise provided under this

House Bill No. 6392 (H-1) as amended November 30, 2006

subsection, the board shall not charge a fee for the issuance or renewal of a special volunteer license under this section.

(3) Except as otherwise provided under this subsection, an individual who is granted a special volunteer license pursuant to this section and who accepts the privilege of practicing medicine, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, [DENTAL HYGIENE, OPTOMETRY, PSYCHOLOGY,] OR DENTISTRY in this state is subject to all of the provisions of this article, including those provisions concerning continuing education and disciplinary action.

(4) For purposes of this section, an individual is considered retired from practice if the individual's license has expired with the individual's intention of ceasing to engage in the practice of medicine, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, [DENTAL HYGIENE, OPTOMETRY, PSYCHOLOGY,] OR DENTISTRY for remuneration.

Sec. 16185. (1) Subject to subsection (2), a physician, PODIATRIST, [DENTAL HYGIENIST, OPTOMETRIST, PSYCHOLOGIST,] OR DENTIST who provides medical care under a special volunteer license granted under section 16184 is not liable in a civil action for personal injury or death proximately caused by the professional negligence or malpractice of the physician, PODIATRIST, [DENTAL HYGIENIST, OPTOMETRIST, PSYCHOLOGIST,] OR DENTIST in providing the care if both of the following apply:

(a) The care is provided at a health facility or agency that provides at least 75% of its care annually to medically indigent individuals.

(b) The physician, PODIATRIST, [DENTAL HYGIENIST, OPTOMETRIST, PSYCHOLOGIST,] OR DENTIST does not receive and does not intend to receive compensation for providing the care.

(2) Subsection (1) does not apply if the negligent conduct or

House Bill No. 6392 (H-1) as amended November 30, 2006

1 malpractice of the physician, **PODIATRIST, [DENTAL HYGIENIST, OPTOMETRIST,**
PSYCHOLOGIST,] OR DENTIST is gross

2 negligence.

3 (3) As used in this section:

4 (a) "Gross negligence" means conduct so reckless as to
5 demonstrate a substantial lack of concern for whether an injury
6 results.

7 (b) "Medically indigent individual" means that term as defined
8 in section 106 of the social welfare act, 1939 PA 280, MCL 400.106.