

Legislative Analysis



IMMUNITY FOR UNCOMPENSATED CARE: DEFINE "INDIRECT COMPENSATION"

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House Bill 4350

Sponsor: Rep. Gail Haines

Committee: Health Policy

Complete to 3-9-11

A SUMMARY OF HOUSE BILL 4350 AS INTRODUCED 3-1-11

The bill would define the term "indirectly" with respect to compensation in a provision of the health code that provides civil immunity to health care providers who provide uncompensated, nonemergency care.

Generally speaking, the Public Health Code provides civil immunity to licensed or registered health professionals who provide uncompensated, nonemergency health care in certain health facilities or entities. Certain restrictions apply, such as written disclosure to patients that the health care is free, that no compensation will be requested from any source, and that liability is limited. (Acts arising from gross negligence, willful and wanton misconduct, or one intended to injure a patient are excluded and therefore actionable).

Currently, "compensation" is defined to mean payment or expected payment from any source, including, but not limited to, payment or expected payment directly from a patient; from a patient's parent, guardian, or spouse; or from a public or private health care payment or benefits plan on behalf of the patient, or indirectly in the form of wages, salary, or other valuable consideration under an employment or service agreement.

House Bill 4350 would amend the Public Health Code (MCL 333.16277) to define the term "indirectly". With respect to compensation, the term would not include the receipt by a licensee or registrant who is employed by a health facility – other than a health facility that was organized and operated for the sole purpose of delivering nonemergency health care without receiving compensation – of wages, salary, or other valuable consideration from the employing health facility for providing health care as described in the section being amended, if the employing health facility did not receive compensation for the provision of the health care.

Thus, a licensed or registered health provider who worked for one health care facility could volunteer at a free clinic as long as the employing health care facility did not receive compensation for that provision of health care.

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government as it relates to the judicial system.

An evaluation of the fiscal impact on the Department of Community Health is in process.

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