

Legislative Analysis



IMMUNITY FOR UNCOMPENSATED, NON-EMERGENCY CARE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4351

Sponsor: Rep. Lesia Liss

Committee: Health Policy

Complete to 3-9-11

A SUMMARY OF HOUSE BILL 4351 AS INTRODUCED 3-1-11

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).

House Bill 4351 would amend the Public Health Code to make several revisions to this provision. First, the bill would extend civil immunity to licensed or registered health care providers who provided uncompensated, nonemergency health care services in an entity that is not a health facility and that provides or that coordinates or otherwise arranges for the provision of nonemergency health care to uninsured or underinsured individuals through the voluntary services of or through referrals for the voluntary services of licensees or registrants who receive no compensation for providing the nonemergency health care. (The underlined words are the ones newly added by the bill.)

The written disclosure to patients previously mentioned would have to be provided by the licensee, registrant, or health facility or entity described above.

The bill would also specify that such a coordinating or arranging entity is not liable in a civil action for damages based on nonemergency health care provided by a licensee, registrant, or health facility or entity described in subsection (2) of Section 16277 (the section being amended by the bill). A similar provision pertaining to immunity for health facilities providing certain supporting services to another facility or entity providing the free care already exists in the code. However, the bill would amend that provision to clarify that the immunity extends to uncompensated, nonemergency services provided by the licensee or registrant, and not just the health facility or entity as currently written.

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.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk
Susan Frey

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