

Legislative Analysis



CIVIL IMMUNITY FOR RETIRED DENTISTS AND PODIATRISTS

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

House Bill 4389

Sponsor: Rep. Jim Stamas

Committee: Health Policy

Complete to 3-9-11

A SUMMARY OF HOUSE BILL 4389 AS INTRODUCED 3-8-11

The bill would extend civil immunity to retired **podiatrists** and **dentists** providing services to the indigent under a special volunteer license. This immunity is currently only available to retired **physicians** providing services under a volunteer license.

Under provisions of the Public Health Code, a retired Michigan physician (M.D. or D.O.), podiatrist, or dentist who wishes to provide medical care or dental care for the indigent and needy or in medically underserved areas of the state can apply for a special volunteer license to provide such care on a volunteer basis. A separate section of the health code provides civil immunity for retired physicians (but not retired podiatrists or dentists) who provide care under the special volunteer license in certain types of facilities. For instance, a physician who provides medical care under a special volunteer license granted under provisions of the code is not liable in a civil action for personal injury or death that was proximately caused by the professional negligence or malpractice of the physician in providing the care if the care was provided at a health facility or agency that provided at least 75 percent of its care annually to medically indigent individuals and the physician did not receive and did not intend to receive compensation for providing the care. The immunity does not apply to negligent conduct or malpractice that is gross negligence.

House Bill 4389 would amend the Public Health Code (MCL 333.16185) to expand the civil immunity provision to include retired podiatrists and dentists providing services under a special volunteer license at the same type of health facilities or agencies. Immunity would not apply if the negligent conduct or malpractice of the individual was gross negligence.

FISCAL IMPACT:

House Bill 4389, as introduced, may increase state costs to the volunteer licensing program in the Department of Community Health if it increases the number of persons seeking the volunteer license. The costs are dependent upon the number of persons who seek this licensure. Annual licensing fees are not charged under the bill, so the costs for the licensing process will have to be supported by existing revenue of the Department or a new appropriation. Because volunteer licensees would provide medical care at no cost for indigent persons or in medically underserved areas of the state, there may be some modest consequent cost savings for state and local governments from possible reductions in medical care costs for these populations.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.