

HOUSE BILL No. 4389

March 8, 2011, Introduced by Reps. Stamas, Johnson, Liss, Denby, Roy Schmidt, Haveman, Walsh, Horn, Lyons, Melton and Haines and referred to the Committee on Health Policy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16185. (1) Subject to subsection (2), ~~a physician~~ **AN**
2 **INDIVIDUAL** who provides ~~medical~~ care under a special volunteer
3 license **TO ENGAGE IN THE PRACTICE OF MEDICINE, OSTEOPATHIC MEDICINE**
4 **AND SURGERY, PODIATRIC MEDICINE AND SURGERY, OR DENTISTRY** granted
5 under section 16184 is not liable in a civil action for personal
6 injury or death proximately caused by the professional negligence
7 or malpractice of the ~~physician~~ **INDIVIDUAL** in providing the care if
8 both of the following apply:

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

1 individuals.

2 (b) The ~~physician~~**INDIVIDUAL** does not receive and does not
3 intend to receive compensation for providing the care.

4 (2) Subsection (1) does not apply if the negligent conduct or
5 malpractice of the ~~physician~~**INDIVIDUAL** is gross negligence.

6 (3) As used in this section:

7 (a) "Gross negligence" means conduct so reckless as to
8 demonstrate a substantial lack of concern for whether an injury
9 results.

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