

Legislative Analysis



ADD RETIRED NURSES TO THOSE ELIGIBLE FOR VOLUNTEER LICENSE & LIMITED IMMUNITY

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

House Bill 4156

Sponsor: Rep. Phil Potvin

Committee: Health Policy

Complete to 4-29-13

A SUMMARY OF HOUSE BILL 4156 AS INTRODUCED 1-31-13

The bill would allow a retired nurse to obtain a special volunteer license to provide services to the indigent and also provide civil immunity to such licensees under limited circumstances. The special volunteer license is currently only available to retired physicians, podiatrists, optometrists, and dentists for uncompensated care; the civil immunity attaches when providing such services in eligible clinics.

Under Section 16184 of the Public Health Code, certain retired health care professionals who wish to donate their expertise for the care and treatment of indigent and needy individuals in Michigan or in medically underserved areas of the state can apply for a special volunteer license to provide such care on a volunteer basis. Currently, the special volunteer license is available only to a retired physician (M.D. or D.O.), podiatrist, optometrist, or dentist whose state license had been in good standing at the time the license expired.

A separate section of the health code, Section 16185, provides civil immunity for the retired health care professionals 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 Section 16184 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 4156 would amend the Public Health Code to expand both the retired special license and the civil immunity provisions to include retired nurses when they were providing services under a special volunteer license to the populations or at the type of health facilities or agencies described above. Immunity would not apply if the negligent conduct or malpractice of the individual was gross negligence.

Currently, an individual is considered retired from practice if the healthcare license has expired with the person's intention of ceasing to engage in the practice of the licensed

profession. The bill would clarify that the intent to cease to engage in the practice of the licensed profession pertained to engaging in the practice *for remuneration*.

The bill would also define the practices of dentistry, medicine, nursing, optometry, osteopathic medicine and surgery, and podiatric medicine and surgery as those terms are defined in their respective licensing statutes (that is, Sections 16601, 17001, 17201, 17401, 17501, and 18001, respectively).

(To qualify for a special volunteer license, an applicant is required to meet the same educational and competency levels that actively licensed counterparts must meet, including continuing education. A retired provider may only provide services within the scope of practice of the profession for which he or she had been previously licensed. In addition, any retirees providing care under a special volunteer license are subject to the same requirements, restrictions, and disciplinary actions as actively licensed health professionals.)

MCL 333.16184 and 333.16185

FISCAL IMPACT:

House Bill 4156 would have a nominal fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). By amending the Public Health Code to enable nurses to obtain a "special volunteer license," HB 4156 would increase expenditures for the Bureau of Health Care Services (Bureau), which oversees the Board of Nursing in drafting and reviewing applications for the special volunteer license. The Code stipulates that the Board may not charge a fee for the issuance or renewal of a special volunteer license so the entire costs of application review would be borne by the Bureau.

There are approximately 55,230 professionally licensed MDs, DOs, podiatrists, optometrists, and dentists currently in the state and 52 retired medical providers with special volunteer licenses. There are approximately 175,783 licensed nurses currently in the state. Given the low rate of utilization (0.09%) of the special volunteer license by medical providers who can currently obtain it, the Bureau does not expect a large increase in expenditures from expanding the ability to obtain the special volunteer license to nurses.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul Holland

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