



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 4156 (Substitute H-2 as passed by the House)  
Sponsor: Representative Phil Potvin  
House Committee: Health Policy  
Senate Committee: Health Policy

Date Completed: 6-13-13

### **CONTENT**

**The bill would amend the Public Health Code to allow a retired nurse to obtain a special volunteer license for the care and treatment of indigent and needy individuals or individuals in medically underserved areas.**

The bill would take effect 90 days after it was enacted.

Under the Code, an individual who is retired from the active practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, optometry, or dentistry, and who wishes to donate his or her expertise for the care and treatment of indigent and needy individuals or individuals in medically underserved areas of the State, may obtain a special volunteer license to practice. The bill would extend this to an individual who was retired from the active practice of nursing.

(For purposes of the special volunteer license, an individual is considered retired from practice if his or her license has expired with his or her intention of ceasing to engage for remuneration in the practice of his or her specific health profession.)

The Code prescribes application procedures for a special volunteer license; provides that a person who is granted such a license is subject to the statutory provisions applicable to his or her health profession, including those concerning continuing education and disciplinary action; and specifies that the licensee may engage only in activities within the scope of practice of the profession for which he or she was licensed before retiring. The bill would include references to the practice of nursing in these provisions.

A physician, optometrist, or dentist who provides medical care under a special volunteer license is not liable in a civil action for personal injury or death proximately caused by his or her professional negligence or malpractice in providing the care, if both of the following apply:

- The care is provided at a health facility or agency that provides at least 75% of its care annually to medically indigent individuals.
- The individual does not receive and does not intend to receive compensation for providing the care.

The immunity from liability does not apply if the individual's negligent conduct or malpractice was gross negligence (i.e., conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).

The bill would extend these provisions to a nurse who provided care under a special volunteer license.

MCL 333.16184 & 333.16185

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have a minor negative fiscal impact on the Department of Licensing and Regulatory Affairs. Retired nurses who wished to obtain a special volunteer license would have to pay no fee to do so, so any costs related to the issuance of those licenses would be borne by existing resources. It is not expected that a large number of these licenses would be issued, so the impact would likely be minimal.

Fiscal Analyst: Josh Sefton