

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4156

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185),
as amended by 2012 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16184. (1) An individual who is retired from **ENGAGING IN**
2 the active practice of ~~medicine, osteopathic medicine and surgery,~~
3 ~~podiatric medicine and surgery, optometry, or dentistry~~ **A HEALTH**
4 **PROFESSION** and who wishes to donate his or her expertise for the
5 ~~medical, optometric, or dental~~ **HEALTH** care and treatment of
6 indigent and needy individuals in this state or for the ~~medical,~~
7 ~~optometric, or dental~~ **HEALTH** care and treatment of individuals in
8 medically underserved areas of this state may obtain a special
9 volunteer license to engage in the practice of ~~medicine,~~

~~osteopathic medicine and surgery, podiatric medicine and surgery, optometry, or dentistry~~ **THE HEALTH PROFESSION FROM WHICH HE OR SHE IS RETIRED** by submitting an application to the board ~~pursuant to~~ **UNDER** this section. An **APPLICANT SHALL SUBMIT AN** application for a special volunteer license ~~shall be on a form provided by the~~ department and shall include each of the following:

(a) Documentation that the individual has been previously licensed to engage in the practice of ~~medicine, osteopathic medicine and surgery, podiatric medicine and surgery, optometry, or dentistry~~ **A HEALTH PROFESSION** in this state and that his or her license was in good standing ~~prior to the expiration of~~ **AT THE TIME** his or her license **EXPIRED**.

(b) Acknowledgment and documentation that the applicant will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any ~~medical, optometric, or dental~~ **HEALTH care AND TREATMENT** services provided under the special volunteer license.

(c) If the applicant has been out of practice for 3 or more years, documentation that, during the 3 years immediately preceding the application, he or she has attended at least 2/3 of the continuing education courses or programs required **FOR THAT HEALTH PROFESSION** under ~~part 170, 175, 180, 174, or 166~~ **THIS ARTICLE OR ANY RULES PROMULGATED UNDER THIS ARTICLE** for the renewal of a license **FOR THAT HEALTH PROFESSION**.

(2) If the board determines that the application of the individual satisfies the requirements of subsection (1) and that the individual meets the requirements for a license ~~as prescribed~~

1 ~~by~~ **UNDER** this article and rules promulgated under this article, the
 2 board shall grant a special volunteer license to the applicant. A
 3 licensee seeking renewal under this section shall provide the board
 4 with an updated acknowledgment and documentation as described ~~under~~
 5 **IN** subsection (1)(b). Except as otherwise provided ~~under~~ **IN** this
 6 subsection, the board shall not charge a fee for the issuance or
 7 renewal of a special volunteer license under this section.

8 (3) Except as otherwise provided ~~under~~ **IN** this subsection, an
 9 individual who is granted a special volunteer license ~~pursuant to~~
 10 **UNDER** this section and who accepts the privilege of ~~practicing~~
 11 ~~medicine, osteopathic medicine and surgery, podiatric medicine and~~
 12 ~~surgery, optometry, or dentistry~~ **ENGAGING IN THE PRACTICE OF A**
 13 **HEALTH PROFESSION** in this state is subject to all of the provisions
 14 of this article **APPLICABLE TO THAT HEALTH PROFESSION**, including
 15 those provisions concerning continuing education and disciplinary
 16 action.

17 (4) For purposes of this section, an individual is considered
 18 retired from **ENGAGING IN THE practice OF A HEALTH PROFESSION** if the
 19 individual's license has expired with the individual's intention of
 20 ceasing to engage, **FOR REMUNERATION**, in the practice of ~~medicine,~~
 21 ~~osteopathic medicine and surgery, podiatric medicine and surgery,~~
 22 ~~optometry, or dentistry for remuneration.~~ **THE HEALTH PROFESSION.**

23 (5) An individual who is granted a special volunteer license
 24 under this section shall only engage in activities within the scope
 25 of practice of the **HEALTH** profession for which he or she was
 26 licensed ~~prior to~~ **BEFORE HIS OR HER** retirement.

27 (6) **AS USED IN THIS SECTION AND SECTION 16185, "HEALTH**

1 **PROFESSION" MEANS A HEALTH PROFESSION FOR WHICH AN INDIVIDUAL MUST**
2 **BE LICENSED, REGISTERED, OR OTHERWISE AUTHORIZED UNDER ARTICLE 15**
3 **TO PRACTICE IN THIS STATE.**

4 Sec. 16185. (1) Subject to subsection (2), an individual who
5 provides care under a special volunteer license to engage in the
6 practice of ~~medicine, osteopathic medicine and surgery, podiatric~~
7 ~~medicine and surgery, optometry, or dentistry~~ **A HEALTH PROFESSION**
8 granted under section 16184 is not liable in a civil action for
9 personal injury or death proximately caused by the professional
10 negligence or malpractice of the individual in providing the care
11 if both of the following apply:

12 (a) The care is provided at a health facility or agency that
13 provides at least 75% of its care annually to medically indigent
14 individuals.

15 (b) The individual does not receive and does not intend to
16 receive compensation for providing the care.

17 (2) Subsection (1) does not apply if the negligent conduct or
18 malpractice of the individual is gross negligence.

19 (3) As used in this section:

20 (a) "Gross negligence" means conduct so reckless as to
21 demonstrate a substantial lack of concern for whether an injury
22 results.

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