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BILL ANALYSIS



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Senate Bill 899 (as introduced 4-29-20)
Sponsor: Senator Michael MacDonald
Committee: Government Operations

Date Completed: 5-6-20

CONTENT

The bill would amend the Emergency Management Act to modify a provision that grants immunity from liability during a state of disaster to individuals licensed to practice medicine and hospitals.

Under Section 11 of the Act, a person licensed to practice medicine or osteopathic medicine and surgery or a licensed hospital, whether licensed in this or another state or by the Federal government or a branch of the Armed Forces of the United States, or an individual licensed in any of the health professions listed in Section 11, who renders services during a state of disaster declared by the Governor and at the express or implied request of a State official or agency or county or local coordinator or executive body, is considered an authorized disaster relief worker or facility and is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained.

Under the bill, this provision instead would apply to a health care professional or a health care facility, whether licensed in Michigan or another state or by the Federal government or a branch of the Armed Forces of the United States, or an individual licensed in any of the health professions listed in Section 11, who rendered services during a state of disaster declared by the Governor under the Act or under a state of emergency declared under Public Act 302 of 1945 (which specifies the Governor's emergency powers), in support of the State's response to those declarations. (As is currently the case, the immunity this provision would confer would not apply in the event of an act or omission that was willful or gross negligence.)

"Health care professional" would mean a person licensed, registered, or otherwise authorized to engage in a health profession under Article 15 (Occupations) of the Public Health Code. "Health care facility" would mean one or more of the following: a) a health facility or agency described under the Public Health Code, b) State-owned surgical centers, c) State-operated outpatient facilities, d) State-operated veterans facilities, and e) entities used as surge capacity for any of the entities described above.

MCL 30.411

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill generally would have a minimal fiscal impact. However, the bill could cause a medium-term marginal reduction in malpractice insurance premiums below what they would be

otherwise, which would lead to a slight reduction in expenses for medical practices run by public universities and hospitals owned by local units of government.

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