

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.16221a Investigation of health care provider's recommendation or treatment under right to try act; definitions.**

Sec. 16221a. (1) Except in the case of gross negligence or willful misconduct as determined by the department, a health care provider's recommendation or treatment provided as authorized under the right to try act is not grounds for the department to investigate under section 16221 or for disciplinary action against a licensee under section 16226.

(2) As used in this section:

(a) "Gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether serious injury to a person would result.

(b) "Willful misconduct" means conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise reasonable care to prevent a known danger.

**History:** Add. 2014, Act 346, Imd. Eff. Oct. 17, 2014.

**Popular name:** Act 368