

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.20165a Action against health facility's treatment as authorized under right to try act; definitions.

Sec. 20165a. (1) Except in the case of gross negligence or willful misconduct as determined by the department, a health facility's cooperation in a treatment recommended by a health professional as authorized under the right to try act, alone, is not grounds for the department to take any action against a licensee under section 20165.

(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.