



HOUSE BILL No. 5107

September 21, 1995, Introduced by Reps. Schroer, Bodem, Rhead and Llewellyn and referred to the Committee on Regulatory Affairs.

A bill to amend the title of Act No. 17 of the Public Acts of 1963, entitled as amended

"An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

as amended, being sections 691.1501 to 691.1507 of the Michigan Compiled Laws; and to add section 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 17 of the Public Acts of
2 1963, as amended, being sections 691.1501 to 691.1507 of the
3 Michigan Compiled Laws, is amended and section 3 is added to read
4 as follows:

TITLE

1
2 An act to relieve certain persons from civil liability when
3 rendering emergency care, when rendering care to persons involved
4 in competitive sports under certain circumstances, or when
5 ~~participating in a mass immunization program approved by the~~
6 ~~department of public health~~ RENDERING UNCOMPENSATED DENTAL CARE
7 UNDER CERTAIN CIRCUMSTANCES.

8 SEC. 3. (1) SUBJECT TO SUBSECTION (2), A DENTAL CARE PRO-
9 VIDER WHO PROVIDES DENTAL CARE TO A PATIENT WITHOUT RECEIVING
10 DIRECT COMPENSATION FOR PROVIDING THE DENTAL CARE IS NOT LIABLE
11 IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING
12 THE DENTAL CARE, UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF
13 GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.

14 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
15 (1) APPLIES ONLY IF THE DENTAL CARE PROVIDER, BEFORE RENDERING
16 THE DENTAL CARE, OBTAINS A STATEMENT SIGNED BY THE PATIENT OR, IF
17 THE PATIENT IS A MINOR, BY THE MINOR'S PARENT, GUARDIAN, OR
18 PERSON IN LOCO PARENTIS INDICATING BOTH OF THE FOLLOWING:

19 (A) THAT THE PERSON SIGNING THE STATEMENT KNOWS THAT THE
20 DENTAL CARE PROVIDER IS PROVIDING THE DENTAL CARE WITHOUT RECEIV-
21 ING DIRECT COMPENSATION.

22 (B) THAT THE PERSON SIGNING THE STATEMENT KNOWS THAT THE
23 DENTAL CARE PROVIDER HAS LIMITED IMMUNITY FROM LIABILITY UNDER
24 THIS SECTION.

25 (3) AS USED IN THIS SECTION:

1 (A) "DIRECT COMPENSATION" MEANS DIRECT RECEIPT OF PAYMENT
2 FROM A PATIENT OR FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR
3 BENEFITS PLAN ON BEHALF OF THE PATIENT.

4 (B) "DENTAL CARE PROVIDER" MEANS AN INDIVIDUAL LICENSED OR
5 REGISTERED UNDER PART 166 OF ARTICLE 15 OF THE PUBLIC HEALTH
6 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
7 333.16601 TO 333.16648 OF THE MICHIGAN COMPILED LAWS.