

SUBSTITUTE FOR

SENATE BILL NO. 55

(As amended October 20, 1999)
(As amended October 21, 1999)

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16277. (1) A LICENSEE OR REGISTRANT WHO PROVIDES NON-
2 EMERGENCY HEALTH CARE THAT THE LICENSEE OR REGISTRANT IS LICENSED
3 OR REGISTERED UNDER THIS ARTICLE TO PROVIDE TO A PATIENT WITHOUT
4 RECEIVING COMPENSATION FOR PROVIDING THE NONEMERGENCY HEALTH CARE
5 IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR OMISSIONS
6 IN PROVIDING THE NONEMERGENCY HEALTH CARE, UNLESS THE ACTS OR
7 OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE OR WILLFUL AND
8 WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE PATIENT.
9 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
10 (1) APPLIES ONLY IF NONEMERGENCY HEALTH CARE IS PROVIDED IN
11 ANY OF THE FOLLOWING:

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1 (A) A HEALTH FACILITY ORGANIZED FOR THE SOLE PURPOSE OF
2 DELIVERING NONEMERGENCY HEALTH CARE WITHOUT RECEIVING
3 COMPENSATION.

4 (B) IN THE OFFICE OF AN ENTITY ORGANIZED FOR THE SOLE PUR-
5 POSE OF DELIVERING NONEMERGENCY HEALTH CARE WITHOUT RECEIVING
6 COMPENSATION.

(C) IN THE OFFICE OF A LICENSEE OR REGISTRANT.

(3) BEFORE A LICENSEE OR REGISTRANT PROVIDES A PATIENT WITH
HEALTH CARE DESCRIBED IN SUBSECTION (1), THE LICENSEE OR REGISTRANT
SHALL PROVIDE THE PATIENT WITH A WRITTEN DISCLOSURE THAT DESCRIBES
THE LIMITATION OF LIABILITY CONTAINED IN SUBSECTION (1) AND THAT
STATES THAT THE HEALTH CARE IS FREE AND PAYMENT FOR THE HEALTH CARE
WILL NOT BE REQUESTED FROM ANY SOURCE.

7 (4) AS USED IN THIS SECTION:

8 (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT OR EXPECTED
9 RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR FROM A PUBLIC OR
10 PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON BEHALF OF THE
11 PATIENT FOR THE NONEMERGENCY HEALTH CARE RECEIVED.

12 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
13 LICENSED UNDER ARTICLE 17.

14 SEC. 20190. (1) A HEALTH FACILITY OR AGENCY THAT PROVIDES
15 NONEMERGENCY HEALTH CARE, THAT IT IS LICENSED UNDER THIS ARTICLE
16 TO PROVIDE, TO A PATIENT WITHOUT RECEIVING COMPENSATION FOR PRO-
17 VIDING THE NONEMERGENCY HEALTH CARE IS NOT LIABLE IN A CIVIL
18 ACTION FOR DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING THE NON-
19 EMERGENCY HEALTH CARE, UNLESS THE ACTS OR OMISSIONS WERE THE
20 RESULT OF GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT OR
21 WERE INTENDED TO INJURE THE PATIENT.

(2) BEFORE A HEALTH FACILITY OR AGENCY PROVIDES A PATIENT WITH
HEALTH CARE DESCRIBED IN SUBSECTION (1), THE HEALTH FACILITY OR
AGENCY SHALL PROVIDE THE PATIENT WITH A WRITTEN DISCLOSURE THAT
DESCRIBES THE LIMITATION OF LIABILITY CONTAINED IN SUBSECTION (1)
AND THAT STATES THAT THE HEALTH CARE IS FREE AND PAYMENT FOR THE
HEALTH CARE WILL NOT BE REQUESTED FROM ANY SOURCE.

22 (3) AS USED IN THIS SECTION, "COMPENSATION" MEANS RECEIPT OF
23 PAYMENT OR EXPECTED RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR
24 FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON
25 BEHALF OF THE PATIENT FOR THE NONEMERGENCY HEALTH CARE RECEIVED.

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