

SENATE BILL NO. 55

January 26, 1999, Introduced by Senators NORTH, SCHWARZ,
BENNETT, ROGERS, GOSCHKA and BULLARD and referred
to the Committee on Health Policy.

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 MEDICAL OR DENTAL CARE TO A PATIENT WITHOUT RECEIVING
3 COMPENSATION FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL
4 CARE IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR
5 OMISSIONS IN PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE,
6 UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE
7 OR WILLFUL AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE
8 PATIENT.
9 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
10 (1) APPLIES WHETHER THE NONEMERGENCY MEDICAL OR DENTAL CARE IS
11 PROVIDED IN A HEALTH FACILITY THAT DOES NOT RECEIVE COMPENSATION

1 FOR THE NONEMERGENCY MEDICAL OR DENTAL CARE PROVIDED OR IN THE
2 LICENSEE'S OR REGISTRANT'S PRIVATE PRACTICE OFFICE.

3 (3) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
4 (1) ALSO APPLIES IF THE PATIENT WHO RECEIVES THE NONEMERGENCY
5 MEDICAL OR DENTAL CARE IS REFERRED TO THE LICENSEE OR REGISTRANT,
6 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

7 (A) THE LICENSEE OR REGISTRANT DOES NOT RECEIVE COMPENSATION
8 FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE.

9 (B) THE PATIENT IS REFERRED FROM A HEALTH FACILITY THAT DOES
10 NOT RECEIVE COMPENSATION FOR NONEMERGENCY MEDICAL OR DENTAL CARE,
11 IF ANY, PROVIDED TO THE PATIENT AS PART OF THE REFERRAL.

12 (C) THE LICENSEE OR REGISTRANT HAS NO FINANCIAL INTEREST IN
13 THE HEALTH FACILITY FROM WHICH THE PATIENT WAS REFERRED.

14 (4) AS USED IN THIS SECTION:

15 (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT OR EXPECTED
16 RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR FROM A PUBLIC OR
17 PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON BEHALF OF THE
18 PATIENT OR INDIRECTLY IN THE FORM OF WAGES, SALARY, OR OTHER
19 VALUABLE CONSIDERATION PURSUANT TO AN EMPLOYMENT OR SERVICE
20 AGREEMENT.

21 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
22 LICENSED UNDER ARTICLE 17.

23 SEC. 20190. (1) A HEALTH FACILITY OR AGENCY THAT PROVIDES
24 NONEMERGENCY MEDICAL OR DENTAL CARE TO A PATIENT WITHOUT RECEIV-
25 ING COMPENSATION FOR PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL
26 CARE IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR
27 OMISSIONS IN PROVIDING THE NONEMERGENCY MEDICAL OR DENTAL CARE,

1 UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE
2 OR WILLFUL AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE
3 PATIENT.

4 (2) AS USED IN THIS SECTION, "COMPENSATION" MEANS RECEIPT OF
5 PAYMENT OR EXPECTED RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR
6 FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON
7 BEHALF OF THE PATIENT OR INDIRECTLY IN THE FORM OF WAGES, SALARY,
8 OR OTHER VALUABLE CONSIDERATION PURSUANT TO AN EMPLOYMENT OR
9 SERVICE AGREEMENT.