

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 55 (as introduced 1-26-99)
Sponsor: Senator Walter H. North
Committee: Health Policy

Date Completed: 10-11-99

CONTENT

The bill would amend the Public Health Code to provide that a health facility or agency, or a health professional licensee or registrant, who provided nonemergency medical or dental care to a patient without receiving compensation for providing the care would have immunity from liability in a civil action for damages for acts or omissions in providing the care, unless the acts or omissions were the result of gross negligence or willful and wanton misconduct or were intended to injure the patient.

For a licensed or registered health professional, the limitation on liability provided by the bill would apply whether the nonemergency medical or dental care was provided in the professional's private practice office, or in a health facility that did not receive compensation for the care.

The limitation on liability for a health professional also would apply if the patient who received the care were referred to the licensee or registrant, if all of the following conditions were met:

- The licensee or registrant did not receive compensation for providing the care.
- The patient was referred from a health facility that did not receive compensation for the care, if any, provided to the patient as part of the referral.
- The licensee or registrant had no financial interest in the health facility from which the patient was referred.

Under the bill, "compensation" would mean receipt of payment or expected receipt of payment directly from a patient or from a public or private health care payment or benefits plan on behalf of the patient, or indirectly in the form of wages, salary, or other valuable consideration pursuant to an employment or service agreement.

MCL 333.16277 & 333.20190

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.