

SENATE BILL No. 30

January 30, 2001, Introduced by Senators NORTH, GOSCHKA, SCHWARZ, SHUGARS 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 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 ANY
11 OF THE FOLLOWING:

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.

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

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

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 FOR THE NONEMERGENCY HEALTH CARE RECEIVED.

19 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
20 LICENSED UNDER ARTICLE 17.

21 SEC. 20190. (1) A HEALTH FACILITY OR AGENCY THAT PROVIDES
22 NONEMERGENCY HEALTH CARE, THAT IT IS LICENSED UNDER THIS ARTICLE
23 TO PROVIDE, TO A PATIENT WITHOUT RECEIVING COMPENSATION FOR PRO-
24 VIDING THE NONEMERGENCY HEALTH CARE IS NOT LIABLE IN A CIVIL
25 ACTION FOR DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING THE NON-
26 EMERGENCY HEALTH CARE, UNLESS THE ACTS OR OMISSIONS WERE THE

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

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

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