

HOUSE BILL No. 5516

March 27, 2012, Introduced by Reps. Potvin, Tyler, Liss and Hughes and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185),
as amended by 2012 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16184. (1) An individual who is retired from the active
2 practice of medicine, osteopathic medicine and surgery, podiatric
3 medicine and surgery, **NURSING**, optometry, or dentistry and who
4 wishes to donate his or her expertise for the medical, optometric,
5 or dental care and treatment of indigent and needy individuals in
6 this state or for the medical, optometric, or dental care and
7 treatment of individuals in medically underserved areas of this
8 state may obtain a special volunteer license to engage in the

1 practice of medicine, osteopathic medicine and surgery, podiatric
2 medicine and surgery, **NURSING**, optometry, or dentistry by
3 submitting an application to the board ~~pursuant to~~ **UNDER** this
4 section. An application for a special volunteer license shall be on
5 a form provided by the department and shall include each of the
6 following:

7 (a) Documentation that the individual has been previously
8 licensed to engage in the practice of medicine, osteopathic
9 medicine and surgery, podiatric medicine and surgery, **NURSING**,
10 optometry, or dentistry in this state and that his or her license
11 was in good standing ~~prior to the expiration~~ **AT THE TIME** of his or
12 her license **EXPIRED**.

13 (b) Acknowledgment and documentation that the applicant will
14 not receive any payment or compensation, either direct or indirect,
15 or have the expectation of any payment or compensation, for any
16 medical, **NURSING**, optometric, or dental care services provided
17 under the special volunteer license.

18 (c) If the applicant has been out of practice for 3 or more
19 years, documentation that, during the 3 years immediately preceding
20 the application, he or she has attended at least 2/3 of the
21 continuing education courses or programs required under part 170,
22 175, 180, **172**, 174, or 166 for the renewal of a license.

23 (2) If the board determines that the application of the
24 individual satisfies the requirements of subsection (1) and that
25 the individual meets the requirements for a license ~~as prescribed~~
26 ~~by~~ **UNDER** this article and rules promulgated under this article, the
27 board shall grant a special volunteer license to the applicant. A

1 licensee seeking renewal under this section shall provide the board
2 with an updated acknowledgment and documentation as described under
3 subsection (1)(b). Except as otherwise provided under this
4 subsection, the board shall not charge a fee for the issuance or
5 renewal of a special volunteer license under this section.

6 (3) Except as otherwise provided under ~~this~~**IN** subsection, an
7 individual who is granted a special volunteer license ~~pursuant to~~
8 **UNDER** this section and who accepts the privilege of practicing
9 medicine, osteopathic medicine and surgery, podiatric medicine and
10 surgery, **NURSING**, optometry, or dentistry in this state is subject
11 to all of the provisions of this article, including those
12 provisions concerning continuing education and disciplinary action.

13 (4) For purposes of this section, an individual is considered
14 retired from practice if the individual's license has expired with
15 the individual's intention of ceasing to engage, **FOR REMUNERATION**,
16 in the practice of medicine, osteopathic medicine and surgery,
17 podiatric medicine and surgery, **NURSING**, optometry, or dentistry.
18 ~~for remuneration.~~

19 (5) An individual who is granted a special volunteer license
20 under this section shall only engage in activities within the scope
21 of practice of the profession for which he or she was licensed
22 ~~prior to~~**BEFORE HIS OR HER** retirement.

23 (6) **AS USED IN THIS SECTION AND SECTION 16185:**

24 (A) **"PRACTICE OF DENTISTRY" MEANS THAT TERM AS DEFINED IN**
25 **SECTION 16601.**

26 (B) **"PRACTICE OF MEDICINE" MEANS THAT TERM AS DEFINED IN**
27 **SECTION 17001.**

1 (C) "PRACTICE OF NURSING" MEANS THAT TERM AS DEFINED IN
2 SECTION 17201.

3 (D) "PRACTICE OF OPTOMETRY" MEANS THAT TERM AS DEFINED IN
4 SECTION 17401.

5 (E) "PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY" MEANS THAT
6 TERM AS DEFINED IN SECTION 17501.

7 (F) "PRACTICE OF PODIATRIC MEDICINE AND SURGERY" MEANS THAT
8 TERM AS DEFINED IN SECTION 18001.

9 Sec. 16185. (1) Subject to subsection (2), an individual who
10 provides care under a special volunteer license to engage in the
11 practice of medicine, osteopathic medicine and surgery, podiatric
12 medicine and surgery, **NURSING**, optometry, or dentistry granted
13 under section 16184 is not liable in a civil action for personal
14 injury or death proximately caused by the professional negligence
15 or malpractice of the individual in providing the care if both of
16 the following apply:

17 (a) The care is provided at a health facility or agency that
18 provides at least 75% of its care annually to medically indigent
19 individuals.

20 (b) The individual does not receive and does not intend to
21 receive compensation for providing the care.

22 (2) Subsection (1) does not apply if the negligent conduct or
23 malpractice of the individual is gross negligence.

24 (3) As used in this section:

25 (a) "Gross negligence" means conduct so reckless as to
26 demonstrate a substantial lack of concern for whether an injury
27 results.

1 (b) "Medically indigent individual" means that term as defined
2 in section 106 of the social welfare act, 1939 PA 280, MCL 400.106.