

SENATE BILL NO. 1185

October 08, 2020, Introduced by Senator VANDERWALL and referred to the Committee on Health Policy and Human Services.

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "pandemic health care immunity act".

3 Sec. 3. As used in this act:

4 (a) "Gross negligence" means conduct so reckless as to
5 demonstrate a substantial lack of concern for whether an injury
6 results.

1 (b) "Health care facility" means an entity that is 1 or more
2 of the following, and includes any administrators, executives,
3 supervisors, board members, trustees, employees, and volunteers of
4 that entity:

5 (i) A health facility or agency as defined in section 20106 of
6 the public health code, 1978 PA 368, MCL 333.20106.

7 (ii) A state-owned surgical center.

8 (iii) A state-operated outpatient facility.

9 (iv) A state-operated veterans facility.

10 (v) A facility used as surge capacity for any of the health
11 care facilities described in this subdivision.

12 (vi) Any other entity that renders health care services.

13 (c) "Health care provider" means an individual that is 1 or
14 more of the following:

15 (i) An individual licensed, registered, or otherwise authorized
16 to engage in a health profession under article 15 of the public
17 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

18 (ii) Emergency medical services personnel as defined in section
19 20904 of the public health code, 1978 PA 368, MCL 333.20904.

20 (iii) A student, trainee, volunteer, competency-evaluated
21 nursing assistant, temporary nurse aide, or any other licensed,
22 registered, or unlicensed individual otherwise authorized by law,
23 executive order, or directive of this state to render health care
24 services.

25 (d) "Health care services" means services provided to an
26 individual by a health care facility or health care provider
27 regardless of the location where those services are provided,
28 including the provision of health care services via telehealth or

1 other remote method.

2 (e) "Willful misconduct" means conduct or a failure to act
3 that was intended to cause harm.

4 Sec. 5. A health care provider or health care facility that
5 provides health care services in support of this state's response
6 to the COVID-19 pandemic is not liable for an injury, including
7 death, sustained by an individual by reason of those services,
8 regardless of how, under what circumstances, or by what cause those
9 injuries are sustained, unless it is established that the provision
10 of the services constituted willful misconduct, gross negligence,
11 intentional and willful criminal misconduct, or intentional
12 infliction of harm by the health care provider or health care
13 facility.

14 Sec. 7. The liability protection provided by this act applies
15 retroactively, and applies only after March 9, 2020 and before July
16 15, 2020.