
By: Delegates Morhaim and Preis

Introduced and read first time: January 22, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Immunity - Good Samaritan - Physician's Assistant**

3 FOR the purpose of granting immunity from any civil suit for damages to a physician's
4 assistant for any act or omission resulting from the rendering of volunteer health
5 care services on behalf of charitable organizations; defining a term; and providing
6 for the application of this Act.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 5-309.3
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Courts and Judicial Proceedings**

15 5-309.3.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) "Charitable organization" means an organization, institution,
18 association, society, or corporation that is exempt from taxation under § 501(c)(3) of the
19 Internal Revenue Code, except licensed hospitals.

20 (3) "Compensation" does not include actual and necessary expenses that are
21 incurred by a volunteer or physician in connection with the services provided or the duties
22 performed by the volunteer or physician on behalf of a charitable organization, and that
23 are reimbursed to the volunteer or physician or otherwise paid.

24 (4) (I) "Health care provider" has the same meaning stated in § 3-2A-01
25 of the Courts Article.

26 (II) "HEALTH CARE PROVIDER" INCLUDES A PHYSICIAN'S
27 ASSISTANT.

28 (5) "Physician" means any physician licensed to practice medicine in the
29 State.

1 (6) "Suit" means any civil action, including any health care malpractice
2 action filed with the health claims arbitration office, brought against a volunteer or
3 physician or a charitable organization by virtue of the volunteer's or physician's act or
4 omission in providing services or performing duties on behalf of the charitable
5 organization.

6 (7) "Volunteer" means an officer, director, trustee, or other person who
7 provides services or performs duties on behalf of a charitable organization without
8 receiving compensation.

9 (b) (1) A volunteer who is a health care provider or physician who renders
10 health care services voluntarily and without compensation to any person seeking health
11 care at a charitable organization is not liable, for any amount in excess of any applicable
12 limit of insurance coverage, in any suit for civil damages for any act or omission resulting
13 from the rendering of such services unless the act or omission constitutes:

14 (i) Willful or wanton misconduct;

15 (ii) Gross negligence; or

16 (iii) Intentionally tortious conduct.

17 (2) A volunteer who is a health care provider or physician who renders
18 health care services voluntarily and without compensation to any person seeking health
19 care through a charitable organization chartered to provide health care services to
20 homeless or indigent individuals is not liable, for any amount in excess of any applicable
21 limit of insurance coverage, in any suit for civil damages for any act or omission resulting
22 from the rendering of such services unless the act or omission constitutes:

23 (i) Willful or wanton misconduct;

24 (ii) Gross negligence; or

25 (iii) Intentionally tortious conduct.

26 (c) (1) This section does not create, and may not be construed as creating, a
27 new cause of action or substantive legal right against a physician or volunteer who is a
28 health care provider.

29 (2) This section does not affect, and may not be construed as affecting, any
30 immunities from civil liability or defenses established by any other provision of the Code
31 or available at common law, to which a volunteer who is a health care provider or
32 physician may be entitled.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
34 shall apply to any cause of action arising on or after October 1, 1997.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.