
By: **Delegates Dembrow and Montague**
Introduced and read first time: February 11, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 1999

CHAPTER _____

1 AN ACT concerning

2 **Physicians and Volunteers Volunteer Health Care Providers and Physicians**
3 **- Charitable Organizations - Definition**

4 FOR the purpose of altering the definition of a charitable organization in ~~regard to~~
5 ~~physicians and volunteers providing health care services; and generally relating~~
6 ~~to immunities for physicians and volunteers~~ provisions of law providing
7 immunity from civil liability under certain circumstances for certain volunteer
8 health care providers and physicians; providing immunity from liability under
9 certain circumstances for certain volunteers who render health care services
10 through a charitable organization; providing for the application of this Act; and
11 generally relating to immunity from civil liability for certain volunteer health
12 care providers and physicians.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 5-606
16 Annotated Code of Maryland
17 (1998 Replacement Volume)

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

20 **Article - Courts and Judicial Proceedings**

21 5-606.

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

1 (2) "Charitable organization" means ~~an~~:

2 (I) AN organization, institution, association, society, ~~for~~
3 corporation, ~~OR MEDICAL SOCIETY~~ that is exempt from taxation under § 501(c)(3) ~~OR~~
4 ~~(6)~~ of the Internal Revenue Code, except licensed hospitals; OR

5 (II) A MEDICAL SOCIETY THAT IS EXEMPT FROM TAXATION UNDER
6 § 501(C)(6) OF THE INTERNAL REVENUE CODE.

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

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

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

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

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

23 (b) (1) A volunteer who is a health care provider or physician who renders
24 health care services voluntarily and without compensation to any person seeking
25 health care ~~at~~ OR THROUGH a charitable organization is not liable, for any amount
26 in excess of any applicable limit of insurance coverage, in any suit for civil damages
27 for any act or omission resulting from the rendering of such services unless the act or
28 omission constitutes:

29 (i) Willful or wanton misconduct;

30 (ii) Gross negligence; or

31 (iii) Intentionally tortious conduct.

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

- 1 (i) Willful or wanton misconduct;
- 2 (ii) Gross negligence; or
- 3 (iii) Intentionally tortious conduct.
- 4 (c) (1) This section does not create, and may not be construed as creating, a
5 new cause of action or substantive legal right against a physician or volunteer who is
6 a health care provider.
- 7 (2) This section does not affect, and may not be construed as affecting,
8 any immunities from civil liability or defenses established by any other provision of
9 the Code or available at common law, to which a volunteer who is a health care
10 provider or physician may be entitled.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
12 shall apply to any cause of action arising on or after October 1, 1999.

13 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 1999.