
By: **Delegate Flanagan**

Introduced and read first time: February 23, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Charitable Health Care Clinics - Volunteer Physicians - Medical**
3 **Malpractice Insurance**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to study
5 legal and policy issues relating to the use of volunteer physicians at charitable
6 health care clinics in the State; specifying the content of a certain study;
7 requiring the Secretary, on or before a certain date, to submit a certain report to
8 the Governor and the General Assembly; and generally relating to medical
9 malpractice insurance for certain physicians at charitable health care clinics in
10 the State.

11 Preamble

12 WHEREAS, There are licensed physicians who are presently retired from the
13 active practice of medicine and who are, or wish to be, volunteering their time and
14 experience in providing medical care at charitable health care clinics in this State;
15 and

16 WHEREAS, Maryland law generally limits the civil liability of volunteer
17 physicians for services they render at charitable health care clinics to the amount of
18 any applicable limit of insurance coverage the physicians may have; and

19 WHEREAS, By necessity, charitable health care clinics at which retired
20 volunteer physicians provide medical services often pay the costs of medical
21 malpractice premiums to secure the services of these physicians; and

22 WHEREAS, Moneys that the charitable health care clinics spend for the medical
23 malpractice premiums of volunteer physicians should be directed toward the
24 charitable functions and purposes of the clinics and not toward the cost of malpractice
25 premiums; and

26 WHEREAS, The cost of health care services that charitable health care clinics
27 provide are less than the cost of the same services when provided in other settings,
28 such as the emergency rooms of hospitals; and

1 WHEREAS, The operation of charitable health care clinics serves to reduce the
2 overall health care costs of the State and to reduce reliance on emergency room care
3 by uninsured individuals who are not enrollees under the State Medical Assistance
4 Program; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Secretary of Health and Mental Hygiene shall study legal and
7 policy issues relating to the use of volunteer physicians at charitable health care
8 clinics in this State.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the study required by
10 Section 1 of this Act shall:

11 (1) determine the extent to which charitable health care clinics in the
12 State are:

13 (i) using the services of volunteer physicians; and

14 (ii) paying the cost of medical malpractice premiums for physicians
15 who volunteer their services at the clinics; and

16 (2) assess the feasibility and potential cost of funding options to cover
17 the cost of medical malpractice premiums for physicians who volunteer their services
18 at the clinics, including the feasibility and potential cost for State funding of the
19 premium costs.

20 SECTION 3. AND BE IT FURTHER ENACTED, That on or before January 1,
21 2000, the Secretary of Health and Mental Hygiene shall submit a report with any
22 recommendations for legislative or other action to the Governor and, subject to §
23 2-1246 of the State Government Article, to the General Assembly.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 1999.