

By: **Senator Munson**

Introduced and read first time: January 29, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Volunteer Health Care Providers and Physicians - Immunity - Insurance**  
3 **Coverage**

4 FOR the purpose of repealing a reference to damages in excess of any applicable limit  
5 of insurance coverage in certain provisions of law providing immunity from  
6 liability for certain volunteer health care providers and physicians who render  
7 health care services at or through certain charitable organizations; and  
8 generally relating to immunity from civil liability for certain volunteer health  
9 care providers and physicians.

10 BY repealing and reenacting, with amendments,

11 Article - Courts and Judicial Proceedings

12 Section 5-606

13 Annotated Code of Maryland

14 (1998 Replacement Volume)

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

17 **Article - Courts and Judicial Proceedings**

18 5-606.

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

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

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

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

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

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

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

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

17 (i) Willful or wanton misconduct;

18 (ii) Gross negligence; or

19 (iii) Intentionally tortious conduct.

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

27 (i) Willful or wanton misconduct;

28 (ii) Gross negligence; or

29 (iii) Intentionally tortious conduct.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1999.