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By: Senator Munson Senators Munson and Mooney Introduced and read first time: January 29, 1999 Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 10, 1999

CHAPTER_____

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.

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1 (3) "Compensation" does not include actual and necessary expenses that 2 are incurred by a volunteer or physician in connection with the services provided or 3 the duties performed by the volunteer or physician on behalf of a charitable 4 organization, and that are reimbursed to the volunteer or physician or otherwise paid. 5 (4) "Health care provider" has the same meaning stated in § 3-2A-01 of 6 the Courts Article. "Physician" means any physician licensed to practice medicine in the 7 (5) "Physician" means any civil action, including any health care malpractice 10 action filed with the health claims arbitration office, brought against a volunteer or 11 physician or a charitable organization by virtue of the volunteer's or physician's act or 12 omission in providing services or performing duties on behalf of the charitable 13 organization. 14 (7) "Volunteer" means an officer, director, trustee, or other person who 15 provides services or performs duties on behalf of a charitable organization without 16 creceiving compensation. 17 (b) (1) A volunteer who is a health care provider or physician who renders 18 health care at a charitable organ
 6 the Courts Article. 7 (5) "Physician" means any physician licensed to practice medicine in the 8 State. 9 (6) "Suit" means any civil action, including any health care malpractice 10 action filed with the health claims arbitration office, brought against a volunteer or 11 physician or a charitable organization by virtue of the volunteer's or physician's act or 12 omission in providing services or performing duties on behalf of the charitable 13 organization. 14 (7) "Volunteer" means an officer, director, trustee, or other person who 15 provides services or performs duties on behalf of a charitable organization without 16 receiving compensation. 17 (b) (1) A volunteer who is a health care provider or physician who renders 18 health care services voluntarily and without compensation to any person seeking 19 health care at a charitable organization is not liable[, for any amount in excess of any 20 applicable limit of insurance coverage,] in any suit for civil damages for any act or 21 omission resulting from the rendering of such services unless the act or omission 22 constitutes:
 8 State. 9 (6) "Suit" means any civil action, including any health care malpractice 10 action filed with the health claims arbitration office, brought against a volunteer or 11 physician or a charitable organization by virtue of the volunteer's or physician's act or 12 omission in providing services or performing duties on behalf of the charitable 13 organization. 14 (7) "Volunteer" means an officer, director, trustee, or other person who 15 provides services or performs duties on behalf of a charitable organization without 16 receiving compensation. 17 (b) (1) A volunteer who is a health care provider or physician who renders 18 health care services voluntarily and without compensation to any person seeking 19 health care at a charitable organization is not liable[, for any amount in excess of any 20 applicable limit of insurance coverage,] in any suit for civil damages for any act or 21 omission resulting from the rendering of such services unless the act or omission 22 constitutes:
 10 action filed with the health claims arbitration office, brought against a volunteer or 11 physician or a charitable organization by virtue of the volunteer's or physician's act or 12 omission in providing services or performing duties on behalf of the charitable 13 organization. 14 (7) "Volunteer" means an officer, director, trustee, or other person who 15 provides services or performs duties on behalf of a charitable organization without 16 receiving compensation. 17 (b) (1) A volunteer who is a health care provider or physician who renders 18 health care services voluntarily and without compensation to any person seeking 19 health care at a charitable organization is not liable[, for any amount in excess of any 20 applicable limit of insurance coverage,] in any suit for civil damages for any act or 21 omission resulting from the rendering of such services unless the act or omission 22 constitutes:
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 18 health care services voluntarily and without compensation to any person seeking 19 health care at a charitable organization is not liable[, for any amount in excess of any 20 applicable limit of insurance coverage,] in any suit for civil damages for any act or 21 omission resulting from the rendering of such services unless the act or omission 22 constitutes:
23 (i) Willful or wanton misconduct;
24 (ii) Gross negligence; or
25 (iii) Intentionally tortious conduct.
26 (2) A volunteer who is a health care provider or physician who renders
 27 health care services voluntarily and without compensation to any person seeking 28 health care through a charitable organization chartered to provide health care 29 services to homeless or indigent individuals is not liable[, for any amount in excess of 30 any applicable limit of insurance coverage,] in any suit for civil damages for any act 31 or omission resulting from the rendering of such services unless the act or omission 32 constitutes:
 28 health care through a charitable organization chartered to provide health care 29 services to homeless or indigent individuals is not liable[, for any amount in excess of 30 any applicable limit of insurance coverage,] in any suit for civil damages for any act 31 or omission resulting from the rendering of such services unless the act or omission
 28 health care through a charitable organization chartered to provide health care 29 services to homeless or indigent individuals is not liable[, for any amount in excess of 30 any applicable limit of insurance coverage,] in any suit for civil damages for any act 31 or omission resulting from the rendering of such services unless the act or omission 32 constitutes:

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1 (c) (1) This section does not create, and may not be construed as creating, a 2 new cause of action or substantive legal right against a physician or volunteer who is 3 a health care provider.

4 (2) This section does not affect, and may not be construed as affecting, 5 any immunities from civil liability or defenses established by any other provision of 6 the Code or available at common law, to which a volunteer who is a health care 7 provider or physician may be entitled.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 9 October 1, 1999.