

SENATE BILL 431

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1999 Regular Session
9r1705
CF 9r1590

By: **Senators Miller, Astle, Forehand, Harris, Collins, Roesser, Hollinger,
Currie, Bromwell, and Green**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians and Volunteers - Charitable Organizations - Definition**

3 FOR the purpose of altering the definition of a charitable organization in regard to
4 physicians and volunteers providing health care services; and generally relating
5 to immunities for physicians and volunteers.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 5-606
9 Annotated Code of Maryland
10 (1998 Replacement Volume)

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

13 **Article - Courts and Judicial Proceedings**

14 5-606.

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

16 (2) "Charitable organization" means an organization, institution,
17 association, society, [or] corporation, OR MEDICAL SOCIETY that is exempt from
18 taxation under § 501(c)(3) OR (6) of the Internal Revenue Code, except licensed
19 hospitals.

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

24 (4) "Health care provider" has the same meaning stated in § 3-2A-01 of
25 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] THROUGH a charitable organization is not liable, for any amount in
14 excess of any applicable limit of insurance coverage, in any suit for civil damages for
15 any act or omission resulting from the rendering of such services unless the act or
16 omission 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 or
25 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.