

SENATE BILL 431

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1999 Regular Session  
9r1705  
CF 9r1590

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 1999

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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.