

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 819
Judiciary

(Delegate Elliott, *et al.*)

Volunteer Health Care Practitioners - Liability

This bill expands the provisions that provide for qualified immunity from health care malpractice claims for individuals providing volunteer services. The bill extends the qualified immunity to “health care practitioners” who are licensed, certified, or otherwise authorized to provide health care services. The bill also eliminates the condition of eligibility for civil immunity that health care practitioners provide the health care at or through a charitable organization.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental operations or expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A health care practitioner is an individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services in the ordinary course of business or practice of a profession. This bill limits the liability of health care practitioners who provide voluntary services to patients at clinics to the maximum allowed under any applicable insurance coverage in any suit for civil damages for any act or omission unless the act or omission constitutes (1) willful or wanton misconduct; (2) gross negligence; or (3) intentionally tortious conduct.

Current Law: Generally, the liability of health care practitioners is not limited. Several types of health care practitioners, dentists, chiropractors, podiatrists, physical therapists, and psychologists are specifically defined as health care providers for the purpose of the current civil immunity provisions for volunteers who provide health care services at or through a charitable organization.

Health care practitioners who are not listed in the current statute include acupuncturists, audiologists, dietitians, speech pathologists, occupational therapists, and professional counselors.

Health care providers are defined as hospitals, physicians, osteopaths, optometrists, and other individuals licensed or authorized to provide one or more health care services in Maryland. Volunteer health care providers and physicians who render voluntary services to homeless or indigent individuals or other persons seeking health care through charitable organizations are not liable for any amount in excess of the limit of any applicable insurance coverage in suits for civil damages unless the act or omission constitutes (1) willful or wanton misconduct; (2) gross negligence; or (3) intentionally tortious conduct.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Health Claims Arbitration Office, Department of Health and Mental Hygiene, Department of Legislative Services

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mll/jr

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