

February 17, 2004

Ms. Joyce Hardy
Bay Volunteer Clinic
1454 West Center Avenue
Essexville, MI 48732

Dear Joyce:

The section of the Michigan Public Health Code that provides for limited immunity for uncompensated clinic care is Section 333.16277. A summary of the law is as follows:

A licensed caregiver who provides to a patient non-emergency health care and who receives no compensation for providing it, is not liable in a civil action for damages for acts or omissions in providing the non-emergency health care. The limitation of liability applies only if the non-emergency health care is provided inside the premises of or as a result of a referral from a health facility organized and operated for the sole purpose of delivering non-emergency health care without receiving compensation. Furthermore, the limitation on liability applies only if, before the caregiver provides the care, the patient is provided with a written disclosure describing the limitation on liability and stating that the health care is free and compensation for the health care will not be requested from any source, and the patient signs an acknowledgment of receipt of the written disclosure. It should be noted that this immunity does not apply if the non-emergency health care is surgery that customarily requires more than a local anesthetic.

In the event there is a slip up causing the civil immunity to not apply (e.g. failure to obtain patient's signature on the disclosure), wrap around coverage will be available from Bay Regional Medical Center's professional liability carrier. In no case will acts or omissions be covered that are the result of gross negligence or willful or wanton misconduct or were intended to injure the patient.

Please feel free to call me at 894-3851 if you have any questions.

Sincerely,

Jack Mills
V.P., Administration

JM/bp