

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 488

S.P. 179

Received by the Secretary, February 7, 1995

An Act Concerning Uncompensated Care Liability for Health Care Providers.

Referred to the Committee on Judiciary and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HATHAWAY of York.

Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 24 MRSA §2907 is enacted to read:

4 **§2907. Uncompensated care liability**

6 **1. Definitions.** As used in this section, "direct
8 compensation" means receipt by the physician, hospital or other
10 health care provider of payment from the patient, or payment or
12 reimbursement from a health insurance company, health maintenance
14 organization or nonprofit hospital or medical services
16 organization on behalf of the patient, or payment or
 reimbursement under Medicare or Medicaid on behalf of the
 patient. The term does not include any grant or donation, unless
 the grant or donation is based on the volume of patients
 receiving care or treatment.

18 **2. Immunity.** Any physician or hospital licensed under the
20 laws of this State or any other health care provider who provides
22 health care to any person without receiving any direct
24 compensation in exchange for the care is not liable for any civil
 damages for acts or omissions unless such acts or omissions are
 grossly negligent or are willful and wanton. This exemption
 applies only if the following requirements are met.

26 A. Prior to providing the services, the physician, hospital
28 or other health care provider discloses in writing to the
30 patient, or to the patient's spouse, parent, guardian or
 other person authorized to give consent for the patient,
 that such services are being provided without receiving
 direct compensation.

32 B. The patient or the patient's spouse, parent, guardian or
34 other person authorized to give consent for the patient
36 waives in writing the right to sue for civil damages for any
 acts or omissions except such acts or omissions that are
 grossly negligent or are willful and wanton.

38 **3. Health screening clinics.** Any entity that sponsors,
40 promotes or organizes a preventive health screening clinic or
42 provides a health screening service to check such indicators as
44 blood pressure or cholesterol levels or other preventive health
46 signs without receiving direct compensation is not liable for any
48 civil damages for acts or omissions unless such acts or omissions
 are grossly negligent or are willful and wanton. This exemption
 applies only if the entity posts in a conspicuous place a notice
 stating that the entity is not liable for any civil damages for
 acts or omissions unless such acts or omissions are grossly
 negligent or are willful and wanton.

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STATEMENT OF FACT

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6 This bill provides immunity from liability for civil damages
to providers of uncompensated health care. It applies to health
care providers and entities that sponsor, promote or organize
8 health screening clinics or provide health screening services.
It requires disclosure to the patient prior to the service that
10 there will be no direct compensation paid and that the patient
waives the right to sue for civil damages. It requires a signed
12 waiver from the patient.