

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 846

H.P. 623

House of Representatives, February 20, 2003

An Act To Protect Health Care Practitioners Responding to Public Health Threats

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Senator PENDLETON of Cumberland and
Representative: COWGER of Hallowell, Senator: MITCHELL of Penobscot.

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

2
3 **Sec. 1. 24 MRSA §2904, sub-§§1 and 2,** as enacted by PL 1995, c.
4 625, Pt. C, §3, are amended to read:

6 **1. Health care practitioners.** Notwithstanding any
7 inconsistent provision of any public or private and special law,
8 a licensed health care practitioner who voluntarily, without the
9 expectation or receipt of monetary or other compensation either
10 directly or indirectly, provides professional services within the
11 scope of that health care practitioner's licensure to a nonprofit
12 organization or to an agency of the State or any political
13 subdivision of the State ~~or~~; to members or recipients of services
14 of that organization or state or local agency; or in support of
15 the State's response to a public health threat as defined in
16 Title 22, section 801, subsection 10, an extreme public health
17 emergency or a disaster as defined in Title 37-B, section 703,
18 subsection 2 is not liable for an injury or death arising from
19 those services unless the injury or death was caused willfully,
20 wantonly, recklessly or by gross negligence of the health care
21 practitioner.

22 **2. Retired physicians, podiatrists and dentists.**
23 Notwithstanding any inconsistent provision of any public or
24 private and special law, a licensed physician, podiatrist or
25 dentist who has retired from practice and who voluntarily,
26 without the expectation or receipt of monetary or other
27 compensation either directly or indirectly, provides professional
28 services within the scope of that physician's, podiatrist's or
29 dentist's licensure to a nonprofit organization or to an agency
30 of the State or any political subdivision of the State ~~or~~; to
31 members or recipients of services of that organization or state
32 or local agency; or in support of the State's response to a
33 public health threat as defined in Title 22, section 801,
34 subsection 10, an extreme public health emergency or a disaster
35 as defined in Title 37-B, section 703, subsection 2 is not liable
36 for an injury or death arising from those services unless the
37 injury or death was caused willfully, wantonly or recklessly by
38 the physician, podiatrist or dentist. This extended immunity
39 applies only if the licensed physician, podiatrist or dentist
40 retired from practice, possessed an unrestricted license in the
41 relevant profession and had not been disciplined by the licensing
42 board in the previous 5 years at the time of the act or omission
43 causing the injury.

44
45 **Sec. 3. 24 MRSA §2904, sub-§3, ¶A-1** is enacted to read:

46
47 **A-1.** "Extreme public health emergency" means the occurrence
48 or imminent threat of widespread exposure to a highly
49 infectious or toxic agent that poses an imminent threat of
50 substantial harm to the population of the State;

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SUMMARY

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6 This bill provides limited immunity from civil liability for
health care practitioners who volunteer their services in support
of the State's response to a public health threat, an extreme
8 public health emergency or a disaster.