

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1271

H.P. 899

House of Representatives, March 8, 2007

An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WALKER of Lincolnville.
Cosponsored by Senator MARRACHÉ of Kennebec and
Representatives: CASAVANT of Biddeford, HOLMAN of Fayette, JACOBSEN of Waterboro,
NASS of Acton, SIMPSON of Auburn, TUTTLE of Sanford, Senators: HOBBS of York,
SHERMAN of Aroostook.

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

2 **Sec. 1. 24 MRSA §2904, sub-§4** is enacted to read:

3 **4. Consulting specialty or subspecialty physicians.** Notwithstanding any
4 inconsistent provision of any public or private and special law, an individual is not liable
5 for an injury or death arising from medical services provided as described in this
6 subsection unless the injury or death was caused willfully, wantonly or recklessly or by
7 gross negligence of the individual if that individual is a licensed physician with specialty
8 or subspecialty training who voluntarily, without the expectation or receipt of monetary
9 or other compensation either directly or indirectly and without establishing a physician-
10 patient relationship, provides consultation services to a treating physician in the area of
11 expertise of the specialty or subspecialty physician.

12 **SUMMARY**

13 This bill provides limited immunity protection to a specialty or subspecialty
14 consulting physician who provides volunteer, unpaid consultation services to a treating
15 physician in the physician's area of expertise.