

By: Representative Flaggs

To: Public Health and  
Welfare; Judiciary A

HOUSE BILL NO. 822

1 AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE IMMUNITY FROM CIVIL LIABILITY THAT IS GRANTED  
3 TO PHYSICIANS AND NURSE PRACTITIONERS WHO VOLUNTARILY PROVIDE  
4 MEDICAL OR HEALTH SERVICES TO PERSONS UNABLE TO PAY FOR THOSE  
5 SERVICES ALSO SHALL EXTEND TO ANY CHURCH THAT OPERATES A MEDICAL  
6 CLINIC FOR THE PURPOSE OF PROVIDING CHARITABLE MEDICAL SERVICES TO  
7 PERSONS WHO ARE UNABLE TO PAY FOR THOSE SERVICES; AND FOR RELATED  
8 PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 73-25-38, Mississippi Code of 1972, is  
11 amended as follows:

12 73-25-38. (1) Any licensed physician or certified nurse  
13 practitioner who voluntarily provides needed medical or health  
14 services to any person without the expectation of payment due to  
15 the inability of the person to pay for those services shall be  
16 immune from liability for any civil action arising out of the  
17 provision of those medical or health services provided in good  
18 faith on a charitable basis. This section shall not extend  
19 immunity to acts of willful or gross negligence. Except in cases  
20 of rendering emergency care in which the provisions of Section  
21 73-25-37, apply, immunity under this section shall be extended  
22 only if the physician or certified nurse practitioner and patient  
23 execute a written waiver in advance of the rendering of those  
24 medical services specifying that those services are provided  
25 without the expectation of payment and that the licensed physician  
26 or certified nurse practitioner shall be immune as provided in  
27 this subsection. The immunity from liability granted by this  
28 subsection also shall extend to any church that operates a medical

29 clinic for the purpose of providing charitable medical services to  
30 persons who are unable to pay for those services.

31 (2) Any physician who voluntarily renders any medical  
32 service under a special volunteer medical license authorized under  
33 Section 73-25-18 without any payment or compensation or the  
34 expectation or promise of any payment or compensation shall be  
35 immune from liability for any civil action arising out of any act  
36 or omission resulting from the rendering of the medical service  
37 unless the act or omission was the result of the physician's gross  
38 negligence or wilful misconduct. In order for the immunity under  
39 this subsection to apply, there must be a written or oral  
40 agreement for the physician to provide a voluntary noncompensated  
41 medical service before the rendering of the service by the  
42 physician.

43 SECTION 2. This act shall take effect and be in force from  
44 and after July 1, 2001.