MISSISSIPPI LEGISLATURE
By: Representative Flaggs
REGULAR SESSION 2007
To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 1350

AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FOR DENTISTS PROVIDING CHARITABLE MEDICAL CARE; AND FOR RELATED PURPOSES.

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

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

73-25-38. (1) Any licensed physician, dentist or certified nurse practitioner who voluntarily provides needed medical, dental or health services to any person without the expectation of payment due to the inability of such person to pay for said services shall be immune from liability for any civil action arising out of the provision of such medical, dental or health services provided in good faith on a charitable basis. This section shall not extend immunity to acts of willful or gross negligence. Except in cases of rendering emergency care wherein the provisions of Section 73-25-37 apply, immunity under this section shall be extended only if the physician, dentist or certified nurse practitioner and patient execute a written waiver in advance of the rendering of such medical services specifying that such services are provided without the expectation of payment and that the licensed physician, dentist or certified nurse practitioner shall be immune as provided in this subsection. The immunity from liability granted by this subsection also shall extend to actions arising from a church-operated outpatient medical clinic that exists solely for the purpose of providing charitable medical or dental services to persons who are unable to pay for such services, provided that the outpatient clinic...
receives less than Forty Thousand Dollars ($40,000.00) annually in
patient payments.

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

(3) Any physician who is retired from active practice, and
who has been previously issued an unrestricted license to practice
medicine in any state of the United States or who has been issued
a special volunteer medical license under Section 73-25-18, shall
be immune from liability for any civil action arising out of any
medical care or treatment provided while voluntarily serving as
"doctor of the day" for members of the Mississippi State
Legislature, legislative or other state employees, or any visitors
to the State Capitol on the date of such service. This subsection
shall not extend immunity to acts of willful or gross negligence
or misconduct.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2007.