

By: Representative Wilson

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 517

1 AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE IMMUNITY FROM LIABILITY FOR ANY DENTIST WHO
3 VOLUNTARILY PROVIDES DENTAL SERVICES WITHOUT EXPECTATION OF
4 PAYMENT; AND FOR RELATED PURPOSES.

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

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

8 73-25-38. (1) Any licensed physician, physician assistant,
9 dentist or certified nurse practitioner who voluntarily provides
10 needed medical, dental or health services to any person without
11 the expectation of payment due to the inability of such person to
12 pay for said services shall be immune from liability for any civil
13 action arising out of the provision of such medical or health
14 services provided in good faith on a charitable basis. This
15 section shall not extend immunity to acts of willful or gross
16 negligence. Except in cases of rendering emergency care wherein
17 the provisions of Section 73-25-37 apply, immunity under this
18 section shall be extended only if the physician, physician
19 assistant, dentist or certified nurse practitioner and patient



20 execute a written waiver in advance of the rendering of such
21 medical and/or dental services specifying that such services are
22 provided without the expectation of payment and that the licensed
23 physician, dentist or certified nurse practitioner shall be immune
24 as provided in this subsection. The immunity from liability
25 granted by this subsection also shall extend to actions arising
26 from a church-operated outpatient medical and/or dental clinic
27 that exists solely for the purpose of providing charitable medical
28 and/or dental services to persons who are unable to pay for such
29 services, provided that the outpatient clinic receives less than
30 Forty Thousand Dollars (\$40,000.00) annually in patient payments.

31 (2) Any licensed physician, physician assistant or certified
32 nurse practitioner assisting with emergency management, emergency
33 operations or hazard mitigation in response to any emergency,
34 man-made or natural disaster, who voluntarily provides needed
35 medical or health services to any person without fee or other
36 compensation, shall not be liable for civil damages on the basis
37 of any act or omission if the physician, physician assistant or
38 nurse practitioner was acting in good faith and within the scope
39 of their license, education and training and the acts or omissions
40 were not caused from gross, willful or wanton acts of negligence.

41 (3) Any physician who voluntarily renders any medical
42 service under a special volunteer medical license authorized under
43 Section 73-25-18 without any payment or compensation or the
44 expectation or promise of any payment or compensation shall be



45 immune from liability for any civil action arising out of any act
46 or omission resulting from the rendering of the medical service
47 unless the act or omission was the result of the physician's gross
48 negligence or willful misconduct. In order for the immunity under
49 this subsection to apply, there must be a written or oral
50 agreement for the physician to provide a voluntary noncompensated
51 medical service before the rendering of the service by the
52 physician.

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

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2019.

