

By: Senator(s) Nunnelee

To: Public Health and  
Welfare; Judiciary, Division  
A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3056

1 AN ACT TO DEFINE THE SCOPE OF PRACTICE OF A PHYSICIAN  
2 ASSISTANT WHO IS RENDERING CARE IN A STATE OR LOCAL NATURAL  
3 DISASTER; TO AMEND SECTIONS 73-25-37 AND 73-25-38, MISSISSIPPI  
4 CODE OF 1972, TO PROVIDE IMMUNITY FOR PHYSICIAN ASSISTANTS FOR  
5 RENDERING CHARITABLE MEDICAL CARE AND TO PROVIDE IMMUNITY FOR  
6 LICENSED PHYSICIANS, PHYSICIAN ASSISTANTS OR CERTIFIED NURSE  
7 PRACTITIONERS FOR RENDERING MEDICAL CARE IN MAN-MADE OR NATURAL  
8 DISASTERS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** In the event of a national emergency duly  
11 declared by federal officials or in the event of a natural  
12 disaster or state emergency duly declared by the Governor, a  
13 physician assistant licensed in this state or licensed or  
14 authorized to practice in any other United States jurisdiction or  
15 who is credentialed as a physician assistant by a federal employer  
16 who is responding to a need for medical care created by an  
17 emergency or a state or local disaster (not to be defined as an  
18 emergency situation which occurs in the place of one's employment)  
19 may provide emergency medical treatment without the immediate  
20 physician supervision or direction to patients within the affected  
21 areas of the state, provided that treatment is within the scope of  
22 the assistant's education, training and approved job description.  
23 The physician assistant in such circumstances shall make  
24 reasonable efforts to inform his supervising physician of the  
25 location and type of emergency medical services being provided and  
26 shall act in conformance with the direction of local medical  
27 supervisors. Any physician who supervises a physician assistant  
28 providing medical care in response to such an emergency or state  
29 or local disaster shall not be required to meet the requirements  
30 set forth in Section 73-26-5. The authority granted under this

31 section shall extend only for the duration of the declared  
32 national emergency or state emergency or natural disaster.

33 **SECTION 2.** Section 73-25-37, Mississippi Code of 1972, is  
34 amended as follows:

35 73-25-37. \* \* \* No duly licensed, practicing physician,  
36 physician assistant, dentist, registered nurse, licensed practical  
37 nurse, certified registered emergency medical technician, or any  
38 other person who, in good faith and in the exercise of reasonable  
39 care, renders emergency care to any injured person at the scene of  
40 an emergency, or in transporting the injured person to a point  
41 where medical assistance can be reasonably expected, shall be  
42 liable for any civil damages to the injured person as a result of  
43 any acts committed in good faith and in the exercise of reasonable  
44 care or omissions in good faith and in the exercise of reasonable  
45 care by such persons in rendering the emergency care to the  
46 injured person.

47 \* \* \*

48 **SECTION 3.** Section 73-25-38, Mississippi Code of 1972, is  
49 amended as follows:

50 73-25-38. (1) Any licensed physician, physician assistant  
51 or certified nurse practitioner who voluntarily provides needed  
52 medical or health services to any person without the expectation  
53 of payment due to the inability of such person to pay for said  
54 services shall be immune from liability for any civil action  
55 arising out of the provision of such medical or health services  
56 provided in good faith on a charitable basis. This section shall  
57 not extend immunity to acts of willful or gross negligence.  
58 Except in cases of rendering emergency care wherein the provisions  
59 of Section 73-25-37 apply, immunity under this section shall be  
60 extended only if the physician, physician assistant or certified  
61 nurse practitioner and patient execute a written waiver in advance  
62 of the rendering of such medical services specifying that such  
63 services are provided without the expectation of payment and that

64 the licensed physician or certified nurse practitioner shall be  
65 immune as provided in this subsection. The immunity from  
66 liability granted by this subsection also shall extend to actions  
67 arising from a church-operated outpatient medical clinic that  
68 exists solely for the purpose of providing charitable medical  
69 services to persons who are unable to pay for such services,  
70 provided that the outpatient clinic receives less than Forty  
71 Thousand Dollars (\$40,000.00) annually in patient payments.

72 (2) Any licensed physician, physician assistant or certified  
73 nurse practitioner assisting with emergency management, emergency  
74 operations or hazard mitigation in response to any emergency,  
75 man-made or natural disaster, who voluntarily provides needed  
76 medical or health services to any person without fee or other  
77 compensation, shall not be liable for civil damages on the basis  
78 of any act or omission if the physician, physician assistant or  
79 nurse practitioner was acting in good faith and within the scope  
80 of their license, education and training and the acts or omissions  
81 were not caused from gross, willful or wanton acts of negligence.

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

94 (4) Any physician who is retired from active practice, and  
95 who has been previously issued an unrestricted license to practice  
96 medicine in any state of the United States or who has been issued

97 a special volunteer medical license under Section 73-25-18, shall  
98 be immune from liability for any civil action arising out of any  
99 medical care or treatment provided while voluntarily serving as  
100 "doctor of the day" for members of the Mississippi State  
101 Legislature, legislative or other state employees, or any visitors  
102 to the State Capitol on the date of such service. This subsection  
103 shall not extend immunity to acts of willful or gross negligence  
104 or misconduct.

105       **SECTION 4.** This act shall take effect and be in force from  
106 and after July 1, 2007.