

By: Representatives Formby, Sykes, Crawford, To: Judiciary A
Dixon

HOUSE BILL NO. 666

1 AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE DENTISTS IN THE PROVISION OF LAW THAT REGULATES
3 IMMUNITY FOR MEDICAL PROFESSIONALS WHO PROVIDE NECESSARY MEDICAL
4 OR HEALTH SERVICES WITHOUT EXPECTATION OF PAYMENT; AND FOR RELATED
5 PURPOSES.

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

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

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



20 assistant or certified nurse practitioner and patient execute a
21 written waiver in advance of the rendering of such medical
22 services specifying that such services are provided without the
23 expectation of payment and that the licensed physician or
24 certified nurse practitioner shall be immune as provided in this
25 subsection. The immunity from liability granted by this
26 subsection also shall extend to actions arising from a
27 church-operated outpatient medical clinic that exists solely for
28 the purpose of providing charitable medical services to persons
29 who are unable to pay for such services, provided that the
30 outpatient clinic receives less than Forty Thousand Dollars
31 (\$40,000.00) annually in patient payments.

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

43 (3) Any physician who voluntarily renders any medical
44 service under a special volunteer medical license authorized under



45 Section 73-25-18 without any payment or compensation or the
46 expectation or promise of any payment or compensation shall be
47 immune from liability for any civil action arising out of any act
48 or omission resulting from the rendering of the medical service
49 unless the act or omission was the result of the physician's gross
50 negligence or willful misconduct. In order for the immunity under
51 this subsection to apply, there must be a written or oral
52 agreement for the physician to provide a voluntary noncompensated
53 medical service before the rendering of the service by the
54 physician.

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

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2016.

