**Michigan Free Clinic Liability Coverage Overview rev.** 10 21

Malpractice lawsuits against physicians or other health care professionals volunteering in free clinics are extremely rare. The patient are grateful to receive free medical care. All of the clinics make their patients aware that the care they are receiving from appointment desk to clinic care is most probably done by certified or licensed VOLUNTEERS.

There are currently 5 laws that protect VOLUNTEERS (medical and non-medical – read each law carefully to see exactly who it protects) providing uncompensated care at non-profit free clinics. NOTE: you may need to purchase medical malpractice for NON MEDICAL volunteers.

**NOTE**: We strongly recommend that your Board have an attorney review all of these laws. A question you need to ask: what is the chance that a non-medical volunteer would be included in any lawsuit and then following that what would be needed to protect them.

 **Michigan Public Health Code MCL 333.16277 (Act 368 – 1978)**

 **MICHIGAN GOOD SAMARITAN LAW PA 172 – 2002 amends 1978 PA 368**

 Non-emergency health care: limitations and liability; additional restrictions; exceptions; definitions

Uncompensated volunteer health professionals who provide patient non-emergency care through facilities that treat uninsured/underinsured. Does not protect against gross negligence, willful and wanton misconduct, or act or omissions intended to injure the patient.

 **MICHIGAN PUBLIC ACT 591 – 2006 amends 1978 PA 368**

Michigan law specific to retired physicians and dentists providing them a special free license for providing uncompensated free care to the uninsured. It provides immunity for volunteer licensed health professions, including physicians, in free clinics IF the patient has received notice that this care is uncompensated care and have signed such notice.

 **MICHIGAN PUBLIC ACT 94 – 2011 - amends 1978 PA 368**

Protects all licensed health care providers who volunteer at nonprofit clinics from lawsuits. Similar protections are already extended to retired health care workers who volunteer their time. Non-profit clinics that provide health care to low-income residents who might not otherwise have access to health care are also protected from lawsuit

  **Federal Tort Claims Act (FTCA) – free clinic coverage added - 1996**

Free clinics were added to the FTCA through the HIPPA act**.** Mal practice insurance for all volunteers including non-medical and Boards of Directors in nonprofit clinics, NOT the clinic entity.

 **Federal Volunteer Act 1977 42 USC Sec.14501 *et seq***

Covers volunteers of nonprofit and governmental entities. Does not protect against harm caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety or the individual harmed.