

**RESOLUTION 79-08A**

**Title: Support Michigan House Bill 4646**

**Introduced by: Suresh Anne, MD, for the Genesee County Delegation  
Supported by the Michigan College of Emergency Physicians**

**Original Authors: Raymond R. Rudoni, MD, and F. Michael Jaggi, DO**

**Referred to: Reference Committee B**

**House Action: Adopted as Amended**

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**Whereas, access to health care in the face of physician shortages is becoming a significant issue for patients in the state of Michigan, and**

**Whereas, the physician shortage is expected to continue for the next decade, and**

**Whereas, hospital emergency departments also are reflecting the access problems due to the shortage of specialists, and**

**Whereas, the liability environment leads physicians to be less willing to participate in emergency department coverage than in the past, and**

**Whereas, participating in emergency department coverage does place physicians at an increased liability risk; therefore be it**

**RESOLVED: That MSMS support House Bill 4646 and similar future legislation that would increase the threshold for medical malpractice lawsuits from negligence to gross negligence for licensed health care professionals and facilities that provide emergency medical care in an emergency department, obstetrical unit, surgical operating room, cardiac catheterization lab, or radiology department immediately following the evaluation or treatment of the patient in an emergency department, as well as require the jury to consider the following: whether the health care provider had the patient's full medical history, whether there was a pre-existing health care provider-patient relationship, and the circumstances constituting the emergency and those surrounding the delivery of the emergency medical care.**

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**WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**

