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3 **Title: Liability Related to Referrals from Free Clinics**  
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5 **Introduced by: Annette Mercatante, MD, for the St. Clair County Delegation**  
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7 **Original Author: Robert Lee, MD**  
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9 **Referred to: Reference Committee B**  
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11 **House Action: Approved as Amended**  
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14 **Whereas, physicians working in free clinics receive immunity from**  
15 **medical malpractice lawsuits resulting from their subsequent performance of**  
16 **medical, surgical, dental, or related functions within the scope of their work at**  
17 **the free clinics per the Free Clinic Federal Tort Claims Act (FTCA) Medical**  
18 **Malpractice Program<sup>1</sup>, and**  
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20 **Whereas, several physicians, especially specialists provide referral**  
21 **services for patients referred from the free clinics at their offices, and**  
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23 **Whereas, those physicians are exposed to liability risk in spite of**  
24 **providing charity care; therefore be it**  
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26 **RESOLVED: That MSMS continue to work with the AMA to enact**  
27 **regulations to provide immunity from medical malpractice lawsuits to**  
28 **physicians who provide charity care at their offices or clinics to patients**  
29 **referred from free clinics similar to the immunity that would have been granted**  
30 **to those physicians had they performed those services within the scope of their**  
31 **work at the free clinic per the Free Clinic Federal Tort Claims Act (FTCA)**  
32 **Medical Malpractice Program at both the state and federal levels**  
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35 **WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**

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<sup>1</sup> FTCA coverage of free clinics volunteer health care professionals.  
<http://bphc.hrsa.gov/policiesregulations/policies/pin200424.html> accessed on February 10, 2014.