

VETOES

(3) "PHYSICIAN" MEANS ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF MARYLAND.

(4) "VOLUNTEER" MEANS AN OFFICER, TRUSTEE, OR OTHER PERSON WHO PERFORMS SERVICES FOR A CHARITABLE ORGANIZATION WITHOUT RECEIVING COMPENSATION.

(5) "COMPENSATION" DOES NOT INCLUDE:

(i) ~~ACTUAL~~ ACTUAL AND NECESSARY EXPENSES THAT ARE INCURRED BY A VOLUNTEER IN CONNECTION WITH THE SERVICES HE PERFORMS FOR A CHARITABLE ORGANIZATION AND ARE REIMBURSED, OR

(ii) ~~NOMINAL STIPENDS PAID TO PHYSICIANS NOT IN PRIVATE PRACTICE WHO ARE ENROLLED IN A RECOGNIZED HOSPITAL RESIDENCY PROGRAM.~~

(6) "SUIT" MEANS ANY CIVIL ACTION, INCLUDING ANY HEALTH CARE MALPRACTICE ACTION FILED WITH THE HEALTH CLAIMS ARBITRATION OFFICE, BROUGHT AGAINST AN UNCOMPENSATED VOLUNTEER OR UNCOMPENSATED PHYSICIAN OF A CHARITABLE ORGANIZATION BY VIRTUE OF THE UNCOMPENSATED INDIVIDUAL'S ACTS OR OMISSIONS IN PROVIDING SERVICES OR PERFORMING DUTIES ON BEHALF OF THE CHARITABLE ORGANIZATION.

(B) LICENSED PHYSICIANS AND VOLUNTEERS WHO RENDER HEALTH CARE SERVICES VOLUNTARILY OR WITHOUT COMPENSATION TO ANY PERSON SEEKING HEALTH CARE AT A CHARITABLE ORGANIZATION ARE NOT LIABLE, FOR ANY AMOUNT IN EXCESS OF ANY APPLICABLE LIMIT OF INSURANCE COVERAGE, IN ANY SUIT FOR CIVIL DAMAGES FOR ANY ACT OR OMISSION RESULTING FROM THE RENDERING OF SUCH SERVICES UNLESS THE ACT OR OMISSION CONSTITUTES:

- (1) WILLFUL OR WANTON MISCONDUCT;
- (2) GROSS NEGLIGENCE; OR
- (3) INTENTIONALLY TORTIOUS CONDUCT.

(C) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR BY COMMON LAW, TO WHICH A VOLUNTEER OR PHYSICIAN MAY BE ENTITLED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any cause of action arising prior to the effective date of this Act.

SECTION -2-- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.