

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations **VOTED** to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. **Big Business** has "a **VOICE** and a **VOTE**," according to newly exposed documents. **DO YOU?**

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Uncompensated Care Liability Act

Did you know that global pharmaceutical company Bayer Healthcare was the corporate co-chair in 2011?

Summary

The purpose of this Act is to encourage the practice of uncompensated care for low-income patients by providing liability immunity. Any licensed physician, any hospital, or any other health care provider who provides medical care to any patient without receiving any direct remuneration or compensation in exchange for rendering care shall not be liable for any civil damages for acts or omissions, unless such acts or omissions were grossly negligent. The provider must first indicate in writing that this care is being administered without any compensation.

Model Legislation

{Title, enacting clause, etc.}

Section 1. This Act may be cited as the Uncompensated Care Liability Act.

Section 2. The legislature hereby finds, determines, and declares that many residents do not receive medical care and preventive health care because they lack health insurance or because of financial difficulties or cost. The legislature also finds that many physicians, hospitals, and other health care providers in this state would be willing to provide medical and allied services without compensation if they were not subject to the high exposure of liability connected with the practice of medicine. The legislature therefore declares that its intention in enacting this Act is to encourage the provision of uncompensated medical care in exchange for a limitation of liability for the physicians, surgeons, hospitals, and other health care providers who provide those services. The legislature further declares that the operation of preventative health screening clinics is beneficial to the citizens of this state and that its intent in enacting this Act is to encourage the use of such clinics by limiting the exposure to liability.

Section 3. (A) Any physician licensed under the laws of this state, any hospital licensed pursuant to the laws of this state, or any other health care provider who provides medical care to any patient without receiving any direct remuneration or compensation in exchange for rendering such care shall not be liable for any civil damages for acts or omissions unless such acts or omissions were grossly negligent or were willful and wanton.

(B) The exemption from liability provided under Subsection (A) of this Section shall only apply if, prior to rendering such services, the physician, surgeon, hospital, or other health care provider discloses to the patient, or if a minor, to the minor's parent or legal guardian, in writing that such services are being provided without receiving any direct remuneration or compensation and that, in exchange for receiving uncompensated medical care, the patient consents to waiving any right to sue for professional negligence except for acts or omissions that are grossly negligent or are willful and wanton.

Section 4. (A) Any organization, including a church, which sponsors, promotes, or organizes a preventative health screening clinic or provides a health screen service to check such indicators as blood pressure or cholesterol levels or other preventative health signs without receiving any direct remuneration or compensation in exchange for the services received shall not be liable for any civil damages for acts or omissions unless such acts or omissions are grossly negligent or are willful and wanton.

(B) The exemption from liability under Subsection (A) of this Section shall only apply if the organization posts in a conspicuous place a notice that in accordance with this Act the organization is not liable for any civil damages for acts or omission except for those acts omissions that are grossly negligent or are willful and wanton.

Section 5. As used in this Act, "direct remuneration or compensation" means direct receipt by the physician, surgeon, hospital, other health care provider, or organization or payment from the patient, or payment or reimbursement from a health insurance company, health maintenance organization, or nonprofit hospital and health services corporation on behalf of the patient, or payment or reimbursement under medicare, or medicaid, or under the state program for the medically indigent on behalf of the patient. The term "direct remuneration or

ALEC's Corporate Board
--in recent past or present

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- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

compensation” shall not include any grant or donation, unless the grant or donation is based on the volume of patients receiving care or treatment.

Section 6. {Severability clause.}

Section 7. {Repealer clause.}

Section 8. {Effective date.}

Were your laws repealed?

1995 Sourcebook of American State Legislation. Ammended by the HHS Task Force in 2002.

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