

1 HB686
2 140697-1
3 By Representatives DeMarco, Ison and McClurkin
4 RFD: Judiciary
5 First Read: 12-APR-12

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8 SYNOPSIS: Under existing law, to be a licensed as a
9 physician in Alabama, an individual must graduate
10 from a medical school and receive additional
11 training and education in a program known as
12 residency training. These individuals are not
13 immune from civil liability as a result of their
14 acts or omissions arising out of and in the course
15 of working and receiving training in a residency
16 training program associated with the academic
17 medical centers of the University of South Alabama
18 or the Board of Trustees of the University of
19 Alabama.

20 This bill would provide that a graduate of
21 medical school who is completing residency training
22 shall not be civilly liable to any person for
23 damages as a result of any action taken or
24 recommendation made within the scope of his or her
25 function when working in residency training
26 programs associated with the academic medical

1 centers of the University of South Alabama or the
2 Board of Trustees of the University of Alabama.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to immunity from civil liability; to
9 provide that a graduate of medical school who is participating
10 in a medical residency program shall not be civilly liable to
11 any person for damages as a result of any action taken or
12 recommendation made within the scope of his or her function
13 when working in a residency training program associated with
14 the academic medical centers of the University of South
15 Alabama or the Board of Trustees of the University of Alabama.
16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) It is hereby declared by the
18 Legislature that an adequate supply of licensed physicians is
19 of vital importance to assure that the citizens of this state
20 receive appropriate and adequate medical care. In order to
21 become licensed as a physician in Alabama, an individual must
22 graduate from medical school and participate in additional
23 training and education after medical school which is known as
24 residency training. A medical resident is any physician in a
25 graduate medical education program including interns,
26 residents, and fellows. Residency training involves classroom
27 education and supervised clinical training. The Legislature

1 finds and declares that residency training is necessary for
2 physicians to obtain advanced certification and licensure in
3 Alabama and it should be the policy of this state that the
4 participants in the residency training programs associated
5 with the academic medical centers of the University of South
6 Alabama and the Board of Trustees of the University of Alabama
7 should not be civilly liable to any person for damages as a
8 result of any action taken or recommendation made within the
9 scope of his or her function as a medical resident when
10 working as a resident in training.

11 (b) A graduate of medical school shall not be
12 civilly liable to any person for damages as a result of any
13 action taken or recommendation made within the scope of his or
14 her function as a medical resident when working as a resident
15 in training in a residency training program associated with
16 the academic medical centers of the University of South
17 Alabama or the Board of Trustees of the University of Alabama

18 Section 2. Nothing in this act shall grant civil
19 immunity for any of the following:

20 (1) Any damage caused by a willful, wanton, or
21 intentional act or omission.

22 (2) Any damage caused by medical care provided by a
23 medical resident outside the course and scope of his or her
24 training and educational program.

25 Section 3. If any section or part of this act is
26 held to be unconstitutional by a court having jurisdiction to
27 make such a ruling, the ruling shall not affect the

1 constitutional of the remaining sections or parts of the
2 act.

3 Section 4. This act shall only affect those causes
4 of action which have accrued on or after May 1, 2012.

5 Section 5. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.