

## **Liability: Volunteer Retired Physician, Podiatrist, or Dentist**

### 24 MRS 2904(2)

A retired licensed physician, podiatrist, or dentist, who, voluntarily and without compensation, provides their services within their scope of practice to a nonprofit organization or members or recipients of services from a nonprofit, an agency of the state or a political subdivision, or to support the state's response to an emergency declaration, will not be held legally responsible for injuries or damages to a person. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### **Immunity from civil liability for volunteer activities**

2. Retired Physicians, Podiatrists and Dentists. Notwithstanding any inconsistent provision of any public or private and special law, a licensed physician, podiatrist or dentist who has retired from practice and who voluntarily, without the expectation or receipt of monetary or other compensation either directly or indirectly, provides professional services within the scope of that physician's, podiatrist's or dentist's licensure is not liable for an injury or death arising from those services unless the injury or death was caused willfully, wantonly or recklessly by the physician, podiatrist or dentist for professional services provided:

- A. To a nonprofit organization;
- B. To an agency of the State or any political subdivision of the State;
- C. To members or recipients of services of a nonprofit organization or state or local agency;
- D. To support the State's response to a public health threat as defined in Title 22, section 801, subsection 10;
- E. To support the State's response to an extreme public health emergency as defined in Title 22, section 801, subsection 4-A; or
- F. To support the State's response to a disaster as defined in Title 37-B, section 703, subsection 2.

The extended immunity under this subsection applies only if the licensed physician, podiatrist or dentist is retired

from practice, possessed an unrestricted license in the relevant profession and had not been disciplined by the licensing board in the previous 5 years at the time of the act or omission causing the injury.