

Giving Back After Retirement: Practicing as a Volunteer

For many family physicians, retirement doesn't mark the end of caring for patients—it simply opens the door to serving in new and meaningful ways. Across Michigan, a growing number of physicians are exploring opportunities to give back through volunteer practice in free and community clinics, continuing to use their skills to meet critical community needs without the demands of full-time clinical work. Michigan's Public Health Code contains statutes that enable this type of volunteering and provide incentives to physicians who do so.

Michigan's Special Volunteer License

It is illegal to practice medicine without a license, even as a volunteer. Therefore, you must either maintain your medical license or obtain another medical license to continue practicing on a volunteer basis following retirement. Michigan's Special Volunteer License Statute, MCL 333.16184, provides a special volunteer license category for physicians who are retired and want to maintain licensure to donate their services to indigent and needy individuals and those in medically underserved areas.

To be eligible for a special volunteer license, you must first retire from the active practice of medicine. The statute requires that your active practice license be expired and that you have the intention of ceasing to engage in the practice of medicine for compensation. You will be asked on the application for a special volunteer license to verify that you were previously licensed in good standing and to acknowledge that you will not seek compensation, nor do you expect compensation, for any of the services you provide under the special volunteer license.

If you have been out of active practice for more than three years, you will be required to document that during the three-year period immediately preceding the date of your application that you have attended at least two-

thirds of the normally required continuing education.

Licensure fees are waived.

Liability Considerations

MCL 333.16185 provides that physicians who provide their services under a special volunteer license will be immune from malpractice claims if: (1) the services were provided at a health facility or agency that provides at least 75% of its care annually to medically indigent individuals (defined in Michigan's Social Welfare Act, MCL 400.106, - generally, patients receiving state or federal financial assistance); (2) the physician does not receive and does not intend to receive compensation for providing the services; and (3) the services were not provided in a manner that amounts to gross negligence (i.e., conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).

Physicians considering practicing pursuant to a special volunteer license often want to know if they should continue to purchase malpractice insurance. It is prudent to maintain this coverage for several reasons. First, physicians providing services as volunteers at a facility can rarely verify that the facility provides 75% of its care annually to medically indigent individuals. If it turns out that your clinic does not, the immunity from malpractice liability will not apply. Second, there is no immunity against acts of gross negligence or claims of acts of gross negligence. Should you be sued and the complaint includes a count alleging gross negligence, the immunity may not apply fully, and you may be faced with funding the defense of the gross negligence count and any settlement or verdict resulting from that count.

The special volunteer medical license and the benefits it offers are sometimes confused with other laws providing immunity to physicians in other situations. Michigan law provides

immunity to physicians with an active practice license in these situations:

- When providing services without compensation, without a preexisting physician-patient relationship, at the scene of an emergency. MCL 691.1501(1).
- When responding to an emergency in a hospital or other licensed facility, without an obligation to do so. MCL 691.1502.
- When performing a physical examination without compensation to determine an individual's fitness to engage in competitive sports and certain other conditions are met, MCL 691.1501(2), or when providing emergency services without compensation to someone engaging in competitive sports and certain other conditions are met. MCL 691.1501(3).

In retirement, continuing to serve your community through volunteer care can be both meaningful and impactful, but it must be done within the framework of Michigan law. The Special Volunteer License offers a valuable pathway for physicians to give back while maintaining appropriate licensure and protections, provided all requirements are met. Before making any decisions, physicians are encouraged to review the most current application details, eligibility criteria, and regulatory guidance available through the Michigan Department of Licensing and Regulatory Affairs (LARA) website at michigan.gov/LARA to ensure full compliance and peace of mind as they transition into volunteer practice.

These immunity statutes all contain exceptions applicable when the physician is grossly negligent or engages in willful or wanton misconduct, etc. 4929-4945-5259, v. 1



Michigan Special
Volunteer Licensing Guide



Michigan Special
Volunteer Applications



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