

SENATE No. 1078

By Mr. Walsh, a petition (accompanied by bill, Senate, No. 1078) of the Massachusetts Medical Society, by Grant V. Rodkey, M.D., president, and Joseph B. Walsh for legislation relative to professional societies offering free informational referral services to the public. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

**AN ACT RELATIVE TO PROFESSIONAL SOCIETIES OFFERING FREE
INFORMATIONAL REFERRAL SERVICES TO THE PUBLIC.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws is hereby amended by
2 adding after Section 85Q the following section: —

3 *Section 85R.* There shall be no monetary liability on the
4 part of, and no cause of action for damages shall arise against,
5 any professional society or any nonprofit corporation author-
6 ized by such society to operate a referral service, or their
7 agents, employees, or members, for referring any member of
8 the public to any professional member of such society, or to
9 any other professional, or for acts of negligence or conduct
10 constituting unprofessional conduct committed by a profes-
11 sional to whom a member of the public was referred, so long
12 as any of the foregoing persons or entities has acted without
13 malice, and the referral was made at no charge as part of a
14 public service referral system organized under the auspices of
15 the professional society.

16 For the purposes of this section, “professional society” shall
17 mean a society having as members persons who are licensed
18 or admitted to practice in the field of law, medicine, nursing,
19 chiropractic, optometry, psychiatry, psychology, dentistry,
20 accounting, engineering, or architecture.

21 This section shall not apply whenever the professional so-
22 ciety, while making a referral to a professional member of
23 such society, fails to disclose the nature of any disciplinary

24 action of which it has actual knowledge taken by a state li-
25 censing agency against that professional member. However,
26 there shall be no duty to disclose a disciplinary action in
27 either of the following cases: (1) where a disciplinary pro-
28 ceeding results in no disciplinary action being taken against
29 the professional to whom a member of the public was referred;
30 or (2) where a period of three years has elapsed since the
31 professional to whom a member of the public was referred has
32 satisfied any terms, conditions, or sanctions imposed upon
33 such professional as disciplinary action.