

# HOUSE . . . . . No. 5314

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 22, 1972.

The committee on the Judiciary, to whom were referred so much of the recommendations of the Department of Public Health (House, No. 137) as relates to granting immunity from damages to certain members of medical committees for official actions taken on behalf of said committee (accompanied by bill, House, No. 140); and the petition (accompanied by bill, House, No. 355) of the Massachusetts Medical Society relative to granting immunity from damages to certain members of medical committees for official actions taken on behalf of said committees, report recommending that the accompanying bill (House, No. 5314) ought to pass.

For the committee,

J. LOUIS LeBLANC

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT GRANTING IMMUNITY FROM DAMAGES TO CERTAIN MEMBERS OF MEDICAL COMMITTEES FOR OFFICIAL ACTIONS TAKEN ON BEHALF OF THE SAID COMMITTEE.**

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

1 Section 12B of chapter 112 of the General Laws is hereby  
2 amended by adding after the word "admission", in line 9, the  
3 following: – No cause of action for damages shall arise against,  
4 any member of a duly appointed committee of a state or local  
5 professional society, or duly appointed member of a committee  
6 of a medical staff of a licensed hospital (provided the medical  
7 staff operates pursuant to written bylaws that have been  
8 approved by the governing board of the hospital), for any act or  
9 proceeding undertaken or performed within the scope of the  
10 functions of any such committee which is formed to maintain  
11 the professional standards of the society established by its  
12 bylaws, if such committee member acts in good faith, has made a  
13 reasonable effort to obtain the facts of the matter as to which he  
14 acts, and acts in reasonable belief that the action taken by him is  
15 warranted by the facts known to him after such reasonable effort  
16 to obtain facts. "Professional society" includes legal, medical,  
17 chiropractic, psychological, dental, accounting, optometric, and  
18 engineering organizations having as members at least a majority  
19 of the eligible licentiates in the area served by the particular  
20 society. The provisions of this section do not affect the official  
21 immunity of an officer or employee of a public corporation.