

By Mr. Casey of Winchester, petition of Paul C. Casey, Charles E. Shannon, Brian A. Joyce and Shirley Gomes relative to the liability of dentists and dental hygienists who provide emergency care or treatment. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Three.

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AN ACT RELATIVE TO THE LIABILITY OF DENTISTS AND DENTAL HYGIENISTS WHO PROVIDE VOLUNTEER SERVICES.

*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 112 of the General Laws, as appearing in the 2000  
2 Official Edition, is hereby amended by inserting after section 52G  
3 the following new section: —  
4 Section 52H. No dentist duly registered under the provisions of  
5 section forty-five, forty-five A, or forty-eight, and no dental  
6 hygienist duly registered under the provisions of section fifty-one,  
7 who, in good faith, as a volunteer and without fee or the promise  
8 of compensation, renders emergency care or treatment, other than  
9 in the ordinary course of his practice, or basic dental services  
10 including simple extractions, sealings or other minor restorative  
11 and preventative procedures, shall be held liable in a suit for dam-  
12 ages as a result of his acts or omissions during the rendering of  
13 such services, unless the act or omission was the result of gross  
14 negligence or willful misconduct. For purposes of this section, the  
15 agreement to provide voluntary services must be made prior to the  
16 rendering of such services.

