

# HOUSE . . . . . No. 1347

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By Mr. Casey of Winchester, petition of Paul C. Casey 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 Seven.

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AN ACT RELATIVE TO THE LIABILITY OF DENTISTS AND HYGENISTS.

*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 2002 Offi-  
2 cial Edition, is hereby amended by inserting after section 52G the  
3 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 of  
8 compensation, renders emergency care or treatment, other than in  
9 the ordinary course of his practice, or basic dental services including  
10 simple extractions, sealings or other minor restorative and preventa-  
11 tive procedures, shall be held liable in a suit for damages as a result  
12 of his acts or omissions during the rendering of such services, unless  
13 the act or omission was the result of gross negligence or willful mis-  
14 conduct. For purposes of this section, the agreement to provide vol-  
15 untary services must be made prior to the rendering of such services.