

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 183*

Short Title: Clarify Vol. EMS Liability.

(Public)

Sponsors: Representatives Culpepper; Culp and Nye (Co-sponsors).

Referred to: Judiciary I.

February 15, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT UNPAID VOLUNTEER MEDICAL DIRECTORS
FOR EMERGENCY MEDICAL SERVICES (EMS) AGENCIES ARE COVERED
BY THE GOOD SAMARITAN STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-21.14 reads as rewritten:

"§ 90-21.14. First aid or emergency treatment; liability limitation.

(a) Any person, including a volunteer medical or health care provider at a facility of a local health department as defined in G.S. 130A-2 or at a nonprofit community health center or a volunteer member of a rescue squad, who receives no compensation for his services as an emergency medical care provider, who renders first aid or emergency health care treatment to a person who is unconscious, ill or injured,

(1) When the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and

(2) When the necessity of immediate health care treatment is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the person,

shall not be liable for damages for injuries alleged to have been sustained by the person or for damages for the death of the person alleged to have occurred by reason of an act or omission in the rendering of the treatment unless it is established that the injuries were or the death was caused by gross negligence, wanton conduct or intentional wrongdoing on the part of the person rendering the treatment.

- 1 (a1) (1) Any volunteer medical or health care provider at a facility of
2 a local health department or at a nonprofit community health ~~center;~~
3 ~~or center;~~
- 4 (2) Any volunteer medical or health care provider rendering services to a
5 patient referred by a local health department as defined in G.S. 130A-
6 2(5) or nonprofit community health center at the provider's place of
7 ~~employment;~~ employment; or
- 8 (3) Any volunteer medical or health care provider serving as medical
9 director of an emergency medical services (EMS) agency,

10 who receives no compensation for medical services or other related services rendered at
11 the ~~facility or center~~ facility, center, or agency or, who neither charges nor receives a fee
12 for medical services rendered to the patient referred by a local health department or
13 nonprofit community health center at the provider's place of employment shall not be
14 liable for damages for injuries or death alleged to have occurred by reason of an act or
15 omission in the rendering of the services unless it is established that the injuries or death
16 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part
17 of the person rendering the services. The local health department ~~facility or facility,~~
18 nonprofit community health ~~center~~ center, or agency shall use due care in the selection
19 of volunteer medical or health care providers, and this subsection shall not excuse the
20 health department ~~facility or facility,~~ community health ~~center~~ center, or agency for the
21 failure of the volunteer medical or health care provider to use ordinary care in the
22 provision of medical services to its patients.

23 (b) Nothing in this section shall be deemed or construed to relieve any person
24 from liability for damages for injury or death caused by an act or omission on the part of
25 such person while rendering health care services in the normal and ordinary course of
26 his business or profession. Services provided by a volunteer health care provider who
27 receives no compensation for his services and who renders first aid or emergency
28 treatment to members of athletic teams are deemed not to be in the normal and ordinary
29 course of the volunteer health care provider's business or profession. Services provided
30 by a medical or health care provider who receives no compensation for his services and
31 who voluntarily renders such services at facilities of local health departments as defined
32 in G.S. 130A-2 or at a nonprofit community health center, or as a volunteer medical
33 director of an emergency medical services (EMS) agency, are deemed not to be in the
34 normal and ordinary course of the volunteer medical or health care provider's business
35 or profession.

36 (c) In the event of any conflict between the provisions of this section and those of
37 G.S. 20-166(d), the provisions of G.S. 20-166(d) shall control and continue in full force
38 and effect."

39 Sec. 2. This act is effective upon ratification and applies to services rendered
40 on or after that date.