

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 439
HOUSE BILL 1172

AN ACT TO EXTEND THE QUALIFIED TORT LIABILITY PROTECTION FOR HEALTH CARE PERSONNEL TO INCLUDE MEDICAL SERVICES RENDERED BY HEALTH CARE PERSONNEL WITHOUT COMPENSATION AT THEIR PLACE OF EMPLOYMENT TO A PATIENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-21.14(a1) reads as rewritten:

- "(a1)~~Any~~ (1) Any volunteer medical or health care provider at a facility of a local health department or at a nonprofit community health ~~center-center; or~~
- (2) Any volunteer medical or health care provider rendering services to a patient referred by a local health department as defined in G.S. 130A-2(5) or nonprofit community health center at the provider's place of employment,

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 22nd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives