

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 425

Short Title: Health Care Samaritans.

(Public)

Sponsors: Representatives Dickson; and Bowman.

Referred to: Judiciary II.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ENCOURAGE HEALTH CARE PERSONNEL TO PROVIDE
2 VOLUNTEER MEDICAL SERVICES AT LOCAL HEALTH DEPARTMENTS
3 AND NONPROFIT COMMUNITY HEALTH CENTERS BY PROVIDING FOR
4 LIMITED TORT LIABILITY PROTECTION.
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6 The General Assembly of North Carolina enacts:

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

8 "**§ 90-21.14. First aid or emergency treatment; liability limitation.**

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

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

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

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

1 (a1) Any volunteer medical or health care provider at a facility of a local health
2 department or at a nonprofit community health center who receives no compensation for
3 medical services rendered at the facility or center shall not be liable for damages for
4 injuries or death alleged to have occurred by reason of an act or omission in the
5 rendering of the services unless it is established that the injuries or death were caused by
6 gross negligence, wanton conduct, or intentional wrongdoing on the part of the person
7 rendering the services.

8 (b) Nothing in this section shall be deemed or construed to relieve any person
9 from liability for damages for injury or death caused by an act or omission on the part of
10 such person while rendering health care services in the normal and ordinary course of
11 his business or profession. Services provided by a volunteer health care provider who
12 receives no compensation for his services and who renders first aid or emergency
13 treatment to members of athletic teams are deemed not to be in the normal and ordinary
14 course of the volunteer health care provider's business or profession. Services provided
15 by a medical or health care provider who receives no compensation for his services and
16 who voluntarily renders ~~treatment~~ such services at facilities of local health departments
17 as defined in G.S. 130A-2 or at a non-profit community health center, are deemed not to
18 be in the normal and ordinary course of the volunteer medical or health care provider's
19 business or profession.

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

23 Sec. 2. This act is effective upon ratification.