

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 655  
HOUSE BILL 425

AN ACT TO ENCOURAGE HEALTH CARE PERSONNEL TO PROVIDE  
VOLUNTEER MEDICAL SERVICES AT LOCAL HEALTH DEPARTMENTS  
AND NONPROFIT COMMUNITY HEALTH CENTERS BY PROVIDING FOR  
LIMITED TORT LIABILITY PROTECTION.

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 non-profit 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.

(a1) Any volunteer medical or health care provider at a facility of a local health department or at a nonprofit community health center who receives no compensation for medical services rendered at the facility or center 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.

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of July, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives