

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 952

Short Title: EMS/Good Samaritans.

(Public)

Sponsors: Representatives Gottovi; Alexander, Bowman, Gamble, Mitchell, Russell, and Wright.

Referred to: Judiciary II.

April 15, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT UNPAID VOLUNTEER MEDICAL DIRECTORS FOR EMERGENCY MEDICAL SERVICES (EMS) AGENCIES ARE INCLUDED UNDER 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) Any volunteer medical or health care provider at a facility of a local health
2 department or at a nonprofit community health center or serving as medical director of
3 an emergency medical service (EMS) agency, who receives no compensation for
4 medical services rendered at the ~~facility or center~~ facility, center, or agency shall not be
5 liable for damages for injuries or death alleged to have occurred by reason of an act or
6 omission in the rendering of the services unless it is established that the injuries or death
7 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part
8 of the person rendering the services. The local health department ~~facility or~~ facility,
9 nonprofit community health ~~center~~ center, or agency shall use due care in the selection
10 of volunteer medical or health care providers, and this subsection shall not excuse the
11 health department ~~facility or~~ facility, community health ~~center~~ center, or agency for the
12 failure of the volunteer medical or health care provider to use ordinary care in the
13 provision of medical services to its patients.

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

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

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