

SENATE BILL No. 22

January 28, 1987, Introduced by Senators EHLERS, KELLY, NICHOLS, CROPSEY, FREDRICKS, SEDERBURG, VAUGHN, ENGLER and BINSFELD and referred to the Committee on Health Policy.

A bill to amend the title and section 1 of Act No. 17 of the Public Acts of 1963, entitled as amended

"An act to relieve certain persons from civil liability when rendering emergency care or when participating in a mass immunization program approved by the department of public health,"

being section 691.1501 of the Michigan Compiled Laws; and to add section 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 1 of Act No. 17 of the
2 Public Acts of 1963, being section 691.1501 of the Michigan
3 Compiled Laws, is amended and section 7 is added to read as
4 follows:

5 TITLE

6 An act to relieve certain persons from civil liability when
7 rendering emergency care, WHEN RENDERING CARE TO PERSONS INVOLVED
8 IN COMPETITIVE SPORTS UNDER CERTAIN CIRCUMSTANCES, or when

1 participating in a mass immunization program approved by the
2 department of public health.

3 Sec. 1. (1) A physician, registered nurse, or licensed
4 practical nurse who in good faith renders emergency care at the
5 scene of an emergency, where a physician-patient, registered
6 nurse-patient relationship, or licensed practical nurse-patient
7 relationship did not exist before the advent of the emergency,
8 shall not be liable for civil damages as a result of acts or
9 omissions by the physician, registered nurse, or licensed practi-
10 cal nurse in rendering the emergency care, except acts or omis-
11 sions amounting to gross negligence or ~~wilful~~ WILLFUL and
12 wanton misconduct.

13 (2) A PHYSICIAN WHO IN GOOD FAITH PERFORMS A PHYSICAL EXAMI-
14 NATION, WITHOUT COMPENSATION, UPON AN INDIVIDUAL TO DETERMINE THE
15 INDIVIDUAL'S FITNESS TO ENGAGE IN COMPETITIVE SPORTS OR A HEALTH
16 CARE PROVIDER WHO IN GOOD FAITH RENDERS CARE, WITHOUT COMPENSA-
17 TION, TO AN INDIVIDUAL REQUIRING SUCH CARE AS A RESULT OF HAVING
18 ENGAGED IN COMPETITIVE SPORTS SHALL NOT BE LIABLE FOR CIVIL DAM-
19 AGES AS A RESULT OF ACTS OR OMISSIONS BY THE HEALTH CARE PROVIDER
20 IN RENDERING THE CARE, EXCEPT ACTS OR OMISSIONS AMOUNTING TO
21 GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT. THIS SUBSEC-
22 TION SHALL APPLY TO THE RENDERING OF EMERGENCY CARE TO MINORS
23 EVEN IF THE HEALTH CARE PROVIDER DOES NOT OBTAIN THE CONSENT OF
24 THE PARENT OR GUARDIAN OF THE MINOR BEFORE THE EMERGENCY CARE IS
25 RENDERED. AS USED IN THIS SUBSECTION:

26 (A) "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL LICENSED
27 UNDER PARTS 161 TO 182 OF ARTICLE 15 OF THE PUBLIC HEALTH CODE,

1 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101
2 TO 333.18237 OF THE MICHIGAN COMPILED LAWS.

3 (B) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO PRACTICE
4 MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY UNDER ARTICLE 15 OF
5 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978,
6 BEING SECTIONS 333.16101 TO 333.18838 OF THE MICHIGAN COMPILED
7 LAWS.

8 SEC. 7. A PERSON WHO IS A REGISTERED MEMBER OF THE NATIONAL
9 SKI PATROL SYSTEM AND IN GOOD FAITH RENDERS EMERGENCY CARE AT THE
10 SCENE OF AN EMERGENCY SHALL NOT BE LIABLE FOR CIVIL DAMAGES AS A
11 RESULT OF ACTS OR OMISSIONS BY THE PERSON IN RENDERING THE EMER-
12 GENCY CARE, EXCEPT ACTS OR OMISSIONS AMOUNTING TO GROSS NEGLI-
13 GENCE OR WILLFUL AND WANTON MISCONDUCT.