



# SENATE BILL No. 297

January 28, 1993, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend 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, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

as amended by Act No. 30 of the Public Acts of 1987, being section 691.1501 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 17 of the Public Acts of  
2 1963, as amended by Act No. 30 of the Public Acts of 1987, being  
3 section 691.1501 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 1. (1) A physician, registered professional nurse, or  
6 licensed practical nurse who in good faith renders emergency care  
7 at the scene of an emergency, where a physician-patient

1 relationship, registered professional nurse-patient relationship,  
2 or licensed practical nurse-patient relationship did not exist  
3 before the advent of the emergency, ~~shall~~ IS not ~~be~~ liable  
4 for civil damages as a result of acts or omissions by the physi-  
5 cian, registered professional nurse, or licensed practical nurse  
6 in rendering the emergency care, except acts or omissions amount-  
7 ing to gross negligence or willful and wanton misconduct.

8       (2) A physician who in good faith performs a physical exami-  
9 nation ~~—~~ without compensation ~~—~~ upon an individual to deter-  
10 mine the individual's fitness to engage in competitive sports and  
11 ~~who~~ has obtained a ~~statement~~ FORM DESCRIBED IN THIS  
12 SUBSECTION signed by the individual or, if the individual is a  
13 minor, the parent or guardian of the minor, IS NOT LIABLE FOR  
14 CIVIL DAMAGES AS A RESULT OF ACTS OR OMISSIONS BY THE PHYSICIAN  
15 IN PERFORMING THE PHYSICAL EXAMINATION, EXCEPT ACTS OR OMISSIONS  
16 AMOUNTING TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.  
17 THE FORM REQUIRED BY THIS SUBSECTION SHALL CONTAIN A STATEMENT  
18 INDICATING that the person signing the ~~statement~~ FORM knows  
19 that the physician is not necessarily performing a complete phys-  
20 ical examination and is not liable UNDER THIS SECTION for civil  
21 damages as a result of acts or omissions by the physician in per-  
22 forming the PHYSICAL examination, except acts or omissions  
23 amounting to gross negligence or willful and wanton misconduct.  
24 ~~or which are outside the scope of the license held by the physi-~~  
25 ~~cian, or a~~

26       (3) A physician, registered professional nurse, or licensed  
27 practical nurse OR A MEDICAL FIRST RESPONDER, EMERGENCY MEDICAL

1 TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, OR PARAMEDIC  
 2 LICENSED UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, ACT  
 3 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.20950 OF  
 4 THE MICHIGAN COMPILED LAWS, who in good faith renders emergency  
 5 care ~~—~~ without compensation ~~—~~ to an individual requiring such  
 6 care as a result of having engaged in competitive sports ~~shall~~  
 7 IS not ~~be~~ liable for civil damages as a result of acts or omis-  
 8 sions by the ~~physician in performing the physical examination or~~  
 9 ~~acts or omissions by the~~ physician, registered professional  
 10 nurse, ~~or~~ licensed practical nurse, MEDICAL FIRST RESPONDER,  
 11 EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPE-  
 12 CIALIST, OR PARAMEDIC in rendering the emergency care, except  
 13 acts or omissions amounting to gross negligence or willful and  
 14 wanton misconduct and except acts or omissions ~~which~~ THAT are  
 15 outside the scope of the license held by the physician, regis-  
 16 tered professional nurse, ~~or~~ licensed practical nurse, MEDICAL  
 17 FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL  
 18 TECHNICIAN SPECIALIST, OR PARAMEDIC. This subsection ~~shall~~  
 19 ~~apply~~ APPLIES to the rendering of emergency care to minors even  
 20 if the physician, registered professional nurse, ~~or~~ licensed  
 21 practical nurse, MEDICAL FIRST RESPONDER, EMERGENCY MEDICAL TECH-  
 22 NICIAN, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, OR PARAMEDIC  
 23 does not obtain the consent of the parent or guardian of the  
 24 minor before the emergency care is rendered.

25 (4) ~~(3)~~ As used in this section:

26 (a) "Competitive sports" means sports conducted as part of a  
 27 program sponsored by a public or private school ~~which~~ THAT

1 provides instruction in grades kindergarten through 12 or a  
2 charitable or volunteer organization. Competitive sports does  
3 not include sports conducted as part of a program sponsored by a  
4 public or private college or university.

5 (b) "Licensed practical nurse" means an individual licensed  
6 to engage in the practice of nursing as a licensed practical  
7 nurse under article 15 of the public health code, Act No. 368 of  
8 the Public Acts of 1978, being sections 333.16101 to 333.18838 of  
9 the Michigan Compiled Laws.

10 (c) "Physician" means an individual licensed to ENGAGE IN  
11 THE practice OF medicine or THE PRACTICE OF osteopathic medicine  
12 and surgery under article 15 of Act No. 368 of the Public Acts of  
13 1978.

14 (d) "Registered professional nurse" means an individual  
15 licensed to engage in the practice of nursing under article 15 of  
16 Act No. 368 of the Public Acts of 1978.