
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 298 (as passed by the Senate)
Sponsor: Senator Michael J. Bouchard
Committee: Health Policy and Senior Citizens

Date Completed: 5-2-97

RATIONALE

Currently, the good samaritan Act grants immunity from liability for civil damages to physicians, registered professional nurses, and licensed practical nurses who in good faith render emergency medical care without compensation to a person who requires the care as a result of having engaged in competitive sports, unless their acts or omissions amount to gross negligence or willful and wanton misconduct or are outside the scope of their license. ("Competitive sports" means a sports program sponsored by a public or private school that provides instruction in grades kindergarten through 12, or by a charitable or volunteer organization, but does not include a sports program sponsored by a college or university.) Further, under the Act, a physician, registered professional nurse, or licensed professional nurse is excused from liability if he or she renders emergency care at the scene of an emergency, where a health professional-patient relationship did not exist prior to the emergency.

Schools and other organizations that sponsor these sporting events, however, often rely on emergency medical technicians and paramedics to volunteer their services. Since these medical care professionals are not granted the liability protections afforded to doctors and nurses under the good samaritan Act, many reportedly are refraining from volunteering to staff the sporting events. Further, it has been pointed out that dentists in attendance at sporting events sometimes volunteer immediate care for mouth or jaw injuries suffered by participants. Some people feel that dentists and emergency medical workers should be given the same immunity from liability that the Act offers to doctors and nurses.

CONTENT

The bill would amend the good samaritan Act to excuse from liability for civil damages a dentist, medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic licensed under the Public Health Code who in good faith rendered emergency care without compensation to a person who required the care as a result of having engaged in competitive sports. The bill's liability exemption would not cover acts or omissions amounting to gross negligence or willful and wanton misconduct, or acts or omissions that were outside the scope of the license held by the individual.

Further, the bill would excuse from liability a dentist who in good faith rendered emergency care at the scene of an emergency, where a dentist-patient relationship did not exist prior to the emergency. This exemption would not apply to acts or omissions amounting to gross negligence or willful and wanton misconduct.

MCL 691.1501

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Schools and such organizations as the Special Olympics are finding it increasingly difficult to recruit volunteer emergency medical care professionals to staff sporting events. Emergency medical technicians and paramedics reportedly are concerned about exposure to liability when volunteering their services and apparently have been advised by their professional organizations that they should secure liability coverage before offering their services. By extending to emergency

medical technicians and paramedics the immunity already granted to physicians and nurses who provide care without compensation at sporting events, the bill would encourage these professional emergency medical workers to volunteer to staff these events. The bill also would encourage dentists to offer their assistance in emergency situations.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

A9798\S298A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.