

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



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

Senate Bill 184 (as introduced 2-8-01)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Judiciary

Date Completed: 2-13-01

CONTENT

The bill would amend the Good Samaritan law to include physician's assistants in the law's immunity from liability for certain health care professionals for rendering care at the scene of an emergency, performing physical examinations for competitive sports, rendering emergency care to someone who requires the care as a result of engaging in competitive sports, and responding to a life-threatening emergency within a hospital or other medical care facility when the person's actual hospital duty does not require a response. The bill also would require that care at the scene of an emergency be rendered without compensation, and that care rendered in a competitive sports situation be at the scene of the emergency, in order for immunity apply.

Under the Good Samaritan law, a physician, registered professional nurse, or licensed practical nurse who, in good faith, renders emergency care at the scene of an emergency and does not have a health professional-patient relationship with the person in need of care, is not liable for civil damages as a result of acts or omissions in rendering that care, except acts or omissions amounting to gross negligence or willful and wanton misconduct. The bill would include a physician's assistant in this provision, and require that the emergency care be rendered without compensation.

The law also exempts from liability a physician who in good faith performs a physical examination, without compensation, upon an individual to determine his or her fitness to engage in competitive sports, if the physician has obtained a statement signed by the individual or the individual's parent or guardian that the person signing the statement knows that the physician is not necessarily performing a complete physical and is not liable for civil damages as a result of acts or omissions except those amounting to gross negligence or willful and wanton misconduct or that are outside the scope of the license held by the physician. The bill would include a physician's assistant in this provision.

Under the law, a physician, registered professional nurse, or licensed practical nurse who in good faith renders emergency care, without compensation, to an individual requiring that care as a result of having engaged in competitive sports is not liable for civil damages as a result of acts or omissions in rendering the emergency care, except acts or omissions amounting to gross negligence or willful and wanton misconduct and except acts or omissions that are outside of the scope of the license held by the person. This exemption from liability applies to the rendering of emergency care to a minor even if the health professional does not obtain the consent of the minor's parent or guardian before the emergency care is rendered. The bill would include a physician's assistant in these provisions, and require that the emergency care be rendered at the scene of the emergency.

The Good Samaritan law provides that, if an individual's actual hospital duty does not require a response to an emergency situation, a physician, dentist, podiatrist, intern, resident, registered nurse, licensed practical nurse, registered physical therapist, clinical laboratory technologist, inhalation therapist, certified registered nurse anesthetist, x-ray technician, or paramedic who, in good faith, responds to a life-threatening emergency or responds to a request for emergency assistance in a life-threatening emergency within a hospital or other licensed medical care facility, is not liable for civil damages as a result of an act or omission in the rendering of emergency care, except an act or omission amounting to gross negligence or willful and

wanton misconduct. This exemption from liability does not apply to a physician if a physician-patient relationship existed prior to the emergency or to a licensed nurse if a nurse-patient relationship existed before the emergency. The bill would include a physician's assistant in the immunity provision. Immunity would not apply if a physician's assistant-patient relationship existed before the emergency.

MCL 691.1501 & 691.1502

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Fiscal Analyst: B. Bowerman

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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.