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BILL ANALYSIS

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House Bill 5971 (Substitute H-2 as reported without amendment)
Sponsor: Representative Ruth Johnson
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the governmental immunity Act to extend governmental immunity to treatment provided by an uncompensated "tactical operation medical assistant".

Currently, with respect to the provision of medical care or treatment to a patient, the Act grants immunity to a governmental agency or an employee or agent of a governmental agency only when medical care or treatment is provided to a patient in a hospital owned or operated by the Department of Community Health or a hospital owned or operated by the Department of Corrections. Under the bill, immunity would be extended to care or treatment provided by an uncompensated tactical operation medical assistant.

"Tactical operation" would be defined as a coordinated, planned action by a special operations, weapons, or response team of a law enforcement agency that either was taken to deal with imminent violence, a riot, an act of terrorism, or similar civic emergency; or an entry into a building or area to seize evidence, or to arrest an individual for a felony, under the authority of a warrant issued by a court.

"Tactical operation medical assistant" would mean an individual licensed to practice one or more of the following, acting within the scope of the license, and assisting law enforcement officers while they are engaged in a tactical operation:

- Medicine, osteopathic medicine and surgery, or as a registered professional nurse, under Article 15 of the Public Health Code.
- As an emergency medical technician, emergency medical technician specialist, or paramedic under Part 209 of the Public Health Code.

MCL 961.1407

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local units of government to the extent that it would limit potential future liability.

Date Completed: 11-12-04

Fiscal Analyst: Bill Bowerman