

Legislative Analysis



IMMUNITY: HEALTH PROFESSIONALS ASSISTING SEARCH AND RESCUE UNCOMPENSATED

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House Bill 5054

Sponsor: Rep. Shelley Goodman Taub

Committee: Judiciary

Complete to 10-4-05

A SUMMARY OF HOUSE BILL 5054 AS INTRODUCED 7-13-05

The bill would amend the Governmental Immunity Act to extend immunity to an "uncompensated search and rescue medical assistant." The act currently provides this immunity for an uncompensated tactical operation medical assistant. The bill also would amend the definition of *tactical operation*.

The term *search and rescue operation medical assistant* would be defined to mean one of the following licensed individuals when acting within the scope of the license and assisting a governmental agency in a search and rescue operation: an individual licensed to practice medicine or osteopathic medicine and surgery; a registered professional nurse; an emergency medical technician, emergency medical technician specialist, or paramedic.

A *search and rescue operation* would be defined to refer to an action by a governmental agency to search for, rescue, or recover victims of a natural or manmade disaster, accident, or emergency on land or water.

The bill also would expand the definition in the act of *tactical operation* so that it would apply to entries into watercraft, aircraft, land vehicles, and bodies of water to seize evidence, or to arrest an individual for a felony, under a warrant. Currently, the definition refers only to entry into "a building or area." The definition would also be expanded to include "training for the team."

Generally speaking, the Governmental Immunity Act provides governmental agencies immunity from tort liability if they are engaged in the exercise or discharge of a governmental function. The act does not grant immunity, however, with respect to providing medical care or treatment except as specified in the act. Treatment by certain uncompensated health care professionals while assisting law enforcement in tactical operations is included as an exception, meaning those professionals are granted immunity.

MCL 691.1407

FISCAL IMPACT:

To the degree that the bill relieved governmental agencies from a liability that might otherwise apply, it could prevent governmental agencies from incurring related costs of litigation and civil awards.

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