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BILL ANALYSIS



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Senate Bill 427 (as introduced 7-1-15)
Sponsor: Senator Goeff Hansen
Committee: Judiciary

Date Completed: 9-16-15

CONTENT

The bill would amend the Good Samaritan law to include licensed EMS providers in the law's immunity from liability for certain health care professionals who provide care at the scene of an emergency, provide emergency care to someone who requires the care as a result of engaging in competitive sports, and respond to a life-threatening emergency in a hospital or other medical care facility when the person's actual hospital duty does not require a response.

Under the Good Samaritan law, a physician, physician's assistant, registered professional nurse, or licensed practical nurse who, in good faith, renders emergency care without compensation 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 licensed EMS provider in this provision.

Also, under the law, a physician, physician's assistant, 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 that amount to gross negligence or willful and wanton misconduct or are outside of the scope of the license held by the person. This exemption from liability applies to the provision 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 provided. The bill would include a licensed EMS provider in these provisions.

The Good Samaritan law further provides that, if an individual's actual hospital duty does not require a response to an emergency situation, a physician, physician's assistant, 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 in a hospital or other licensed medical care facility, is not liable for civil damages as a result of an act or omission in the provision of emergency care, except an act or omission amounting to gross negligence or willful and wanton misconduct. The bill would refer to a licensed EMS provider, rather than a paramedic.

The bill would define "licensed EMS provider" as an individual who is a medial first responder, emergency medical technician, emergency medical technician specialist, or paramedic, as those terms are defined in the Public Health Code.

FISCAL IMPACT

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

Fiscal Analyst: John Maxwell