

Act No. 209
Public Acts of 2015
Approved by the Governor
November 30, 2015
Filed with the Secretary of State
November 30, 2015
EFFECTIVE DATE: February 28, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015**

Introduced by Senators Hansen, Zorn, Jones, Knollenberg, Horn, Casperson, Stamas, Marleau and Booher

ENROLLED SENATE BILL No. 427

AN ACT to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), as amended by 2002 PA 543.

The People of the State of Michigan enact:

Sec. 1. (1) A physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider who in good faith renders emergency care without compensation at the scene of an emergency, if a physician-patient relationship, physician's assistant-patient relationship, registered professional nurse-patient relationship, licensed practical nurse-patient, or licensed EMS provider-patient relationship did not exist before the emergency, is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, licensed practical nurse, licensed EMS provider in rendering the emergency care, except acts or omissions that amount to gross negligence or willful and wanton misconduct.

(2) A physician or physician's assistant who in good faith performs a physical examination without compensation on an individual to determine the individual's fitness to engage in competitive sports and who has obtained a form described in this subsection signed by the individual or, if the individual is a minor, by the parent or guardian of the minor, is not liable for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions that amount to gross negligence or willful and wanton misconduct or that are outside the scope of the license held by the physician or physician's assistant. The form required by this subsection must contain a statement indicating that the person signing the form knows that the physician or physician's assistant is not necessarily performing a complete physical examination and is not liable under this section for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions that amount to gross negligence or willful and wanton misconduct or that are outside the scope of the license held by the physician or physician's assistant.

(3) A physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider who in good faith renders emergency care without compensation to an individual requiring emergency care as a result of having engaged in competitive sports is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider in rendering the emergency care, except acts or omissions that amount to gross negligence or willful and wanton misconduct and except acts or omissions that are outside the scope of the license held by the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider. This subsection applies to the rendering of emergency care to a minor even if the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider does not obtain the consent of the parent or guardian of the minor before the emergency care is rendered.

(4) As used in this act:

(a) "Competitive sports" means sports conducted as part of a program sponsored by a public or private school that provides instruction in grades kindergarten through 12 or a charitable or volunteer organization. Competitive sports do not include sports conducted as part of a program sponsored by a public or private college or university.

(b) "Licensed EMS provider" means an individual who is a medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic, as those terms are defined in sections 20904 to 20908 of the public health code, 1978 PA 368, MCL 333.20904 to 333.20908.

(c) "Licensed practical nurse" means an individual licensed to engage in the practice of nursing as a licensed practical nurse under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(d) "Physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(e) "Physician's assistant" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery performed under the supervision of a physician as provided in article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) "Registered professional nurse" means an individual licensed to engage in the practice of nursing as a registered professional nurse under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Sec. 2. (1) If the individual's actual hospital duty does not require a response to the emergency situation, a physician, physician's assistant, dentist, podiatrist, intern, resident, registered professional nurse, licensed practical nurse, physical therapist, clinical laboratory technologist, inhalation therapist, certified registered nurse anesthetist, x-ray technician, or licensed EMS provider 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 rendering of emergency care, except an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) The exemption from liability under subsection (1) does not apply to a physician if a physician-patient relationship, to a physician's assistant if a physician's assistant-patient relationship, or to a licensed nurse if a nurse-patient relationship existed before the emergency.

(3) The exemption from liability under subsection (1) does not apply to a physician's assistant unless the response by the physician's assistant is within the scope of the license held by the physician's assistant or within the expertise or training of the physician's assistant.

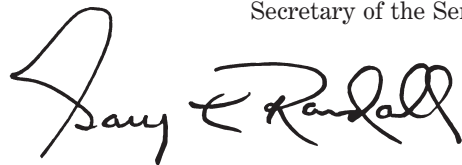
(4) This act does not diminish a hospital's responsibility to reasonably and adequately staff hospital emergency facilities if the hospital maintains or holds out to the general public that it maintains emergency room facilities.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor