

LIABILITY OF CERTAIN PERSONS FOR EMERGENCY CARE (EXCERPT)

Act 17 of 1963

691.1501 Physician, physician's assistant, nurse, or EMS provider rendering emergency care; determining fitness to engage in competitive sports; liability for acts or omissions; definitions.

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.

History: Add. 1975, Act 123, Imd. Eff. July 1, 1975;—Am. 2002, Act 543, Imd. Eff. July 26, 2002;—Am. 2015, Act 209, Eff. Feb. 28, 2016.

Compiler's note: Enacting section 1 of Act 543 of 2002 provides:

“Enacting section 1. This amendatory act applies to a cause of action arising on or after the effective date of this amendatory act.”