

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 118\*

Short Title: Clarify Vol. EMS Liability.

(Public)

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Sponsors: Senators Winner; Gulley, Cooper, Carpenter, Forrester, Odom, Hobbs, and Kerr.

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Referred to: Judiciary I/Constitution.

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February 1, 1995

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT UNPAID VOLUNTEER MEDICAL DIRECTORS FOR  
2 EMERGENCY MEDICAL SERVICES (EMS) AGENCIES ARE COVERED BY  
3 THE GOOD SAMARITAN STATUTE.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 90-21.14 reads as rewritten:

7 **"§ 90-21.14. First aid or emergency treatment; liability limitation.**

8 (a) Any person, including a volunteer medical or health care provider at a facility  
9 of a local health department as defined in G.S. 130A-2 or at a nonprofit community  
10 health center or a volunteer member of a rescue squad, who receives no compensation for  
11 his services as an emergency medical care provider, who renders first aid or emergency  
12 health care treatment to a person who is unconscious, ill or injured,

13 (1) When the reasonably apparent circumstances require prompt decisions  
14 and actions in medical or other health care, and

15 (2) When the necessity of immediate health care treatment is so reasonably  
16 apparent that any delay in the rendering of the treatment would seriously  
17 worsen the physical condition or endanger the life of the person,

18 shall not be liable for damages for injuries alleged to have been sustained by the person  
19 or for damages for the death of the person alleged to have occurred by reason of an act or

1 omission in the rendering of the treatment unless it is established that the injuries were or  
2 the death was caused by gross negligence, wanton conduct or intentional wrongdoing on  
3 the part of the person rendering the treatment.

4 (a1) (1) Any volunteer medical or health care provider at a facility of  
5 a local health department or at a nonprofit community health ~~center~~, or  
6 center;

7 (2) Any volunteer medical or health care provider rendering services to a  
8 patient referred by a local health department as defined in G.S. 130A-  
9 2(5) or nonprofit community health center at the provider's place of  
10 ~~employment~~, employment; or

11 (3) Any volunteer medical or health care provider serving as medical  
12 director of an emergency medical services (EMS) agency,

13 who receives no compensation for medical services or other related services rendered at  
14 the ~~facility or center~~ facility, center, or agency or, who neither charges nor receives a fee  
15 for medical services rendered to the patient referred by a local health department or  
16 nonprofit community health center at the provider's place of employment shall not be  
17 liable for damages for injuries or death alleged to have occurred by reason of an act or  
18 omission in the rendering of the services unless it is established that the injuries or death  
19 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part  
20 of the person rendering the services. The local health department ~~facility or facility,~~  
21 nonprofit community health ~~center~~ center, or agency shall use due care in the selection of  
22 volunteer medical or health care providers, and this subsection shall not excuse the health  
23 department ~~facility or facility,~~ community health center, center, or agency for the failure of  
24 the volunteer medical or health care provider to use ordinary care in the provision of  
25 medical services to its patients.

26 (b) Nothing in this section shall be deemed or construed to relieve any person from  
27 liability for damages for injury or death caused by an act or omission on the part of such  
28 person while rendering health care services in the normal and ordinary course of his  
29 business or profession. Services provided by a volunteer health care provider who  
30 receives no compensation for his services and who renders first aid or emergency  
31 treatment to members of athletic teams are deemed not to be in the normal and ordinary  
32 course of the volunteer health care provider's business or profession. Services provided  
33 by a medical or health care provider who receives no compensation for his services and  
34 who voluntarily renders such services at facilities of local health departments as defined  
35 in G.S. 130A-2 or at a nonprofit community health center, or as a volunteer medical  
36 director of an emergency medical services (EMS) agency, are deemed not to be in the  
37 normal and ordinary course of the volunteer medical or health care provider's business or  
38 profession.

39 (c) In the event of any conflict between the provisions of this section and those of  
40 G.S. 20-166(d), the provisions of G.S. 20-166(d) shall control and continue in full force  
41 and effect."

42 Sec. 2. This act is effective upon ratification and applies to services rendered  
43 on or after that date.