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BILL ANALYSIS

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Senate Bill 443 (Substitute S-1 as reported)
Sponsor: Senator Michael J. Bouchard
Committee: Health Policy and Senior Citizens

CONTENT

The bill would amend the good samaritan Act to excuse from liability for civil damages a dentist, medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic licensed under the Public Health Code who in good faith rendered emergency care without compensation to a person who required the care as a result of having engaged in competitive sports. Acts or omissions amounting to gross negligence or willful and wanton misconduct, and acts or omissions that were outside the scope of the license held by the individual would not be covered by the bill's liability exemption.

Further, the bill would excuse from liability a dentist who in good faith rendered emergency care at the scene of an emergency, where a dentist-patient relationship did not exist prior to the emergency. This exemption would not apply to acts or omissions amounting to gross negligence or willful and wanton misconduct.

Currently, the Act grants immunity from liability for civil damages to physicians, registered professional nurses, and licensed practical nurses who in good faith render emergency medical care without compensation to a person who requires the care as a result of having engaged in competitive sports, unless their acts or omissions amount to gross negligence or willful and wanton misconduct or are outside the scope of their license. ("Competitive sports" means a sports program sponsored by a public or private school that provides instruction in grades kindergarten through 12, or by a charitable or volunteer organization, but does not include a sports program sponsored by a college or university.) Further, under the Act, a physician, registered professional nurse, or licensed professional nurse is excused from liability if he or she renders emergency care at the scene of an emergency, where a health professional-patient relationship has not existed prior to the emergency.

MCL 691.1501

Legislative Analyst: G. Towne

FISCAL IMPACT

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

Date Completed: 9-13-96

Fiscal Analyst: P. Graham

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