

Legislative Analysis



LIABILITY IN TRANSPORTATION

Phone: (517) 373-8080
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House Bill 5266 (proposed substitute H-1)

Sponsor: Rep. Jeff Yaroach

Committee: Health Policy

Complete to 5-4-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5266 would amend the Public Health Code to provide that, as long as emergency medical services personnel are acting consistently with their licensure or additional training, certain acts or omissions (except those that are the result of gross negligence or willful misconduct) would not impose liability in the *transportation of a patient* on the emergency medical services personnel themselves or on the authorizing physician, the hospital or hospital staff, or other related individuals.¹ Under the bill, *transportation of a patient* would include the handling of a patient for any purpose related to transporting the patient and by any method, including the transfer of the patient by stretcher or by any other equipment.

The code currently exempts the above described individuals from liability when those acts or omissions take place in the *treatment* of a patient. The bill would extend the exemption to acts or omissions in the *transportation* of the patient.

MCL 333.20965

FISCAL IMPACT:

House Bill 5266 has no direct state fiscal implications for the Department of Health and Human Services. The bill may have a fiscal impact on local units of government that provide or contract for emergency medical services, related to the bill's exemption from liability for the acts or omissions of certain emergency medical personnel in the transportation of a patient.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ In addition to emergency medical services personnel, the exemption from liability also applies (as would the bill) to clinical preceptors engaged in clinical training activity under certain circumstances and to related individuals and entities, such as certain instructors and students.