

**SUBSTITUTE FOR
HOUSE BILL NO. 5266**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20965 (MCL 333.20965), as amended by 2014 PA
312.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20965. (1) Unless an act or omission is the result of
2 gross negligence or willful misconduct, the acts or omissions of a
3 medical first responder, emergency medical technician, emergency
4 medical technician specialist, paramedic, medical director of a
5 medical control authority or his or her designee, or, subject to
6 subsection (5), an individual acting as a clinical preceptor of a
7 department-approved education program sponsor while providing
8 services to a patient outside a hospital, in a hospital before

1 transferring patient care to hospital personnel, or in a clinical
2 setting that are consistent with the individual's licensure or
3 additional training required by the medical control authority
4 including, but not limited to, services described in subsection
5 (2), or consistent with an approved procedure for that particular
6 education program do not impose liability in the treatment **of a**
7 **patient or transportation** of a patient on those individuals or any
8 of the following persons:

9 (a) The authorizing physician or physician's designee.

10 (b) The medical director and individuals serving on the
11 governing board, advisory body, or committee of the medical control
12 authority and an employee of the medical control authority.

13 (c) The person providing communications services or lawfully
14 operating or utilizing supportive electronic communications
15 devices.

16 (d) The life support agency or an officer, member of the
17 staff, or other employee of the life support agency.

18 (e) The hospital or an officer, member of the staff, nurse, or
19 other employee of the hospital.

20 (f) The authoritative governmental unit or units.

21 (g) Emergency personnel from outside the state.

22 (h) The education program medical director.

23 (i) The education program instructor-coordinator.

24 (j) The education program sponsor and education program
25 sponsor advisory committee.

26 (k) The student of a department-approved education program who
27 is participating in an education program-approved clinical setting.

28 (l) An instructor or other staff employed by or under contract
29 to a department-approved education program for the purpose of

1 providing training or instruction for the department-approved
2 education program.

3 (m) The life support agency or an officer, member of the
4 staff, or other employee of the life support agency providing the
5 clinical setting described in subdivision (k).

6 (n) The hospital or an officer, member of the medical staff,
7 or other employee of the hospital providing the clinical setting
8 described in subdivision (k).

9 (2) Subsection (1) applies to services consisting of any of
10 the following:

11 (a) The use of an automated external defibrillator on an
12 individual who is in or is exhibiting symptoms of cardiac distress.

13 (b) The administration of an opioid antagonist to an
14 individual who is suffering or is exhibiting symptoms of an opioid-
15 related overdose.

16 (3) Unless an act or omission is the result of gross
17 negligence or willful misconduct, the acts or omissions of any of
18 the persons named below, while participating in the development of
19 protocols under this part, implementation of protocols under this
20 part, or holding a participant in the emergency medical services
21 system accountable for department-approved protocols under this
22 part, does not impose liability in the performance of those
23 functions:

24 (a) The medical director and individuals serving on the
25 governing board, advisory body, or committees of the medical
26 control authority or employees of the medical control authority.

27 (b) A participating hospital or freestanding surgical
28 outpatient facility in the medical control authority or an officer,
29 member of the medical staff, or other employee of the hospital or

1 freestanding surgical outpatient facility.

2 (c) A participating agency in the medical control authority or
3 an officer, member of the medical staff, or other employee of the
4 participating agency.

5 (d) A nonprofit corporation that performs the functions of a
6 medical control authority.

7 (4) Subsections (1) and (3) do not limit immunity from
8 liability otherwise provided by law for any of the persons listed
9 in subsections (1) and (3).

10 (5) The limitation on liability granted to a clinical
11 preceptor under subsection (1) applies only to an act or omission
12 of the clinical preceptor relating directly to a student's clinical
13 training activity or responsibility while the clinical preceptor is
14 physically present with the student during the clinical training
15 activity, and does not apply to an act or omission of the clinical
16 preceptor during that time that indirectly relates or does not
17 relate to the student's clinical training activity or
18 responsibility.

19 **(6) As used in this section, "transportation of a patient"**
20 **means transportation of a patient and includes, but is not limited**
21 **to, the handling of a patient for any purpose related to**
22 **transporting the patient and by any method, including, but not**
23 **limited to, the transfer of the patient by stretcher or by any**
24 **other equipment.**