

1                                   **EMERGENCY MEDICAL SERVICES**

2   **AMENDMENTS**

3   2000 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: John L. Valentine**

6 AN ACT RELATING TO HEALTH; EXPANDING THE TRAINING PROGRAMS  
7 RECOGNIZED BY THE STATE FOR FULLY AUTOMATED EXTERNAL  
8 DEFIBRILLATORS; AND EXTENDING IMMUNITY TO HEALTH CARE PROVIDERS WHO  
9 PROVIDE INSTRUCTIONS ON THE USE OF FULLY AUTOMATED EXTERNAL  
10 DEFIBRILLATORS.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13               **26-8a-308**, as enacted by Chapter 141, Laws of Utah 1999

14               **26-8a-601**, as renumbered and amended by Chapter 141 and last amended by Chapter 285,  
15 Laws of Utah 1999

16 *Be it enacted by the Legislature of the state of Utah:*

17               Section 1. Section **26-8a-308** is amended to read:

18               **26-8a-308. Exemptions.**

19               (1) The following persons may provide emergency medical services to a patient without  
20 being certified or licensed under this chapter:

21               (a) out-of-state emergency medical service personnel and providers in time of disaster;

22               (b) an individual who gratuitously acts as a Good Samaritan;

23               (c) a family member;

24               (d) a private business if emergency medical services are provided only to employees at the  
25 place of business and during transport;

26               (e) an agency of the United States government if compliance with this chapter would be  
27 inconsistent with federal law; and

28 (f) police, fire, and other public service personnel if:  
29 (i) emergency medical services are rendered in the normal course of the person's duties;  
30 and  
31 (ii) medical control, after being apprised of the circumstances, directs immediate transport.  
32 (2) An ambulance or emergency response vehicle may operate without a permit issued  
33 under Section 26-8a-304 in time of disaster.

34 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed as  
35 requiring a license or certificate for an individual to perform cardiopulmonary resuscitation and  
36 use a fully automated external defibrillator if that individual has successfully completed a course  
37 that includes instruction on cardiopulmonary resuscitation and the operation and use of a fully  
38 automated external defibrillator that is conducted in accordance with guidelines of the American  
39 Heart Association, American Red Cross, or other nationally recognized program by a person  
40 qualified by training or experience.

41 (4) Nothing in this chapter may be construed as requiring a license, permit, designation,  
42 or certificate for an acute care hospital, medical clinic, physician's office, or other fixed medical  
43 facility that:

44 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse;  
45 and

46 (b) treats an individual who has presented himself or was transported to the hospital, clinic,  
47 office, or facility.

48 Section 2. Section **26-8a-601** is amended to read:

49 **26-8a-601. Persons and activities exempt from civil liability.**

50 (1) A licensed physician, physician's assistant, or licensed registered nurse who,  
51 gratuitously and in good faith, gives oral or written instructions to an individual certified under  
52 Section 26-8a-302 or a person permitted to use a fully automated external defibrillator because of  
53 Section 26-8a-308 is not liable for any civil damages as a result of issuing the instructions, unless  
54 the instructions given were the result of gross negligence or willful misconduct.

55 (2) An individual certified under Section 26-8a-302, during either training or after  
56 certification, a licensed physician, physician's assistant, or a registered nurse who, gratuitously and  
57 in good faith, provides emergency medical instructions or renders emergency medical care  
58 authorized by this chapter is not liable for any civil damages as a result of any act or omission in

59 providing the emergency medical instructions or medical care, unless the act or omission is the  
60 result of gross negligence or willful misconduct.

61 (3) An individual certified under Section 26-8a-302 is not subject to civil liability for  
62 failure to obtain consent in rendering emergency medical services authorized by this chapter to any  
63 individual who is unable to give his consent, regardless of the individual's age, where there is no  
64 other person present legally authorized to consent to emergency medical care, provided that the  
65 certified individual acted in good faith.

66 (4) A principal, agent, contractor, employee, or representative of an agency, organization,  
67 institution, corporation, or entity of state or local government that sponsors, authorizes, supports,  
68 finances, or supervises any functions of an individual certified under Section 26-8a-302 is not  
69 liable for any civil damages for any act or omission in connection with such sponsorship,  
70 authorization, support, finance, or supervision of the certified individual where the act or omission  
71 occurs in connection with the certified individual's training or occurs outside a hospital where the  
72 life of a patient is in immediate danger, unless the act or omission is inconsistent with the training  
73 of the certified individual, and unless the act or omission is the result of gross negligence or willful  
74 misconduct.

75 (5) A physician who gratuitously and in good faith arranges for, requests, recommends,  
76 or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is not  
77 liable for any civil damages as a result of such transfer where:

78 (a) sound medical judgment indicates that the patient's medical condition is beyond the  
79 care capability of the transferring hospital or the medical community in which that hospital is  
80 located; and

81 (b) the physician has secured an agreement from the receiving facility to accept and render  
82 necessary treatment to the patient.

83 (6) A person who is a registered member of the National Ski Patrol System (NSPS) or a  
84 member of a ski patrol who has completed a course in winter emergency care offered by the NSPS  
85 combined with CPR for medical technicians offered by the American Red Cross or American  
86 Heart Association, or an equivalent course of instruction, and who in good faith renders emergency  
87 care in the course of ski patrol duties is not liable for civil damages as a result of any act or  
88 omission in rendering the emergency care, unless the act or omission is the result of gross  
89 negligence or willful misconduct.

90           (7) An emergency medical service provider who, in good faith, transports an individual  
91 against his will but at the direction of a law enforcement officer pursuant to Section 62A-12-232  
92 is not liable for civil damages for transporting the individual.

93           (8) A person who is permitted to use a fully automated external defibrillator because of  
94 Section 26-8a-308 is not liable for civil damages as a result of any act or omission related to the  
95 use of the defibrillator in providing emergency medical care gratuitously and in good faith to a  
96 person who reasonably appears to be in cardiac arrest, unless the act or omission is the result of  
97 gross negligence or wilful misconduct.

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**Legislative Review Note**  
**as of 12-23-99 8:37 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**