

EXPANSION OF GOOD SAMARITAN ACT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Richard M. Siddoway

AN ACT RELATING TO HEALTH; EXTENDING IMMUNITY TO A TRAINED PERSON WHO USES A FULLY AUTOMATED EXTERNAL DEFIBRILLATOR IN AN EMERGENCY SITUATION; AND PROVIDING A COORDINATION CLAUSE.

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

AMENDS:

26-8-7.5, as enacted by Chapter 90, Laws of Utah 1998

26-8-11, as last amended by Chapter 320, Laws of Utah 1990

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

Section 1. Section **26-8-7.5** is amended to read:

26-8-7.5. Fully automated external defibrillator.

(1) "Basic emergency care training for cardiac arrest" means a course that:

(a) includes instruction on cardiopulmonary resuscitation and the operation and use of a fully [automatic] automated external defibrillator; and

(b) is conducted in accordance with guidelines of the American Heart Association by a person qualified by training or experience.

(2) Notwithstanding Section 26-8-7, a person who has received basic emergency care training for cardiac arrest may provide cardiopulmonary resuscitation and use a fully [automatic] automated external defibrillator without a license, certificate, designation, or permit issued under this chapter or Title 58, Occupations and Professions.

Section 2. Section **26-8-11** is amended to read:

26-8-11. Persons and activities exempt from civil liability.

(1) A licensed physician or licensed registered nurse who, gratuitously and in good faith, gives oral or written instructions to certified basic or advanced life support personnel to provide emergency care authorized by this chapter is not liable for any civil damages as a result of issuing the instructions, unless the instructions given were the result of gross negligence or willful

misconduct.

(2) A basic or advanced life support person during training or after certification, a licensed physician, or a registered nurse who, gratuitously and in good faith, provides emergency medical instructions or renders emergency medical care authorized by this chapter is not liable for any civil damages as a result of any act or omission in providing the emergency medical instructions or medical care, unless the act or omission is the result of gross negligence or willful misconduct.

(3) A certified basic or advanced life support person is not subject to civil liability for failure to obtain consent in rendering emergency medical care authorized by this chapter to any individual who is unable to give his consent, regardless of the individual's age, where there is no other person present legally authorized to consent to emergency treatment, provided that such personnel act in good faith.

(4) A principal, agent, contractor, employee, or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances, or supervises any functions of an emergency medical services person certified and authorized pursuant to this chapter, including an advanced life support person, is not liable for any civil damages for any act or omission in connection with such sponsorship, authorization, support, finance, or supervision of such emergency medical services person where the act or omission occurs in connection with that person's training or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the emergency medical services personnel, and unless the act or omission is the result of gross negligence or willful misconduct.

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

- (a) sound medical judgment indicates that the patient's medical condition is beyond the care capability of the transferring hospital or the medical community in which that hospital is located; and
- (b) the physician has secured an agreement from the transferee facility to accept and render necessary treatment to the patient.

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

(7) A person who is permitted to use a fully automated external defibrillator because of Section 26-8-7.5 is not liable for civil damages as a result of any act or omission related to the use of the defibrillator in providing emergency medical care gratuitously and in good faith to a person who reasonably appears to be in cardiac arrest, unless the act or omission is the result of gross negligence or wilful misconduct.

Section 3. **Coordination clause.**

If this bill and S.B. 54, Emergency Medical Services Systems Act, both pass, it is the intent of the Legislature that the amendments to Section 26-8-11 in this bill be incorporated into Section 26-8a-601 in S.B. 54.