

**EMERGENCY MEDICAL SERVICES AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: John L. Valentine**

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

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

AMENDS:

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

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

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

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

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

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

- (a) out-of-state emergency medical service personnel and providers in time of disaster;
- (b) an individual who gratuitously acts as a Good Samaritan;
- (c) a family member;
- (d) a private business if emergency medical services are provided only to employees at the place of business and during transport;
- (e) an agency of the United States government if compliance with this chapter would be inconsistent with federal law; and
- (f) police, fire, and other public service personnel if:
  - (i) emergency medical services are rendered in the normal course of the person's duties; and
  - (ii) medical control, after being apprised of the circumstances, directs immediate transport.

(2) An ambulance or emergency response vehicle may operate without a permit issued under Section 26-8a-304 in time of disaster.

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

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

- (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse; and
- (b) treats an individual who has presented himself or was transported to the hospital, clinic, office, or facility.

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

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

(1) A licensed physician, physician's assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written instructions to an individual certified under Section 26-8a-302 or a person permitted to use a fully automated external defibrillator because of Section 26-8a-308 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) An individual certified under Section 26-8a-302, during either training or after certification, a licensed physician, physician's assistant, 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) An individual certified under Section 26-8a-302 is not subject to civil liability for failure to obtain consent in rendering emergency medical services 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 medical care, provided that the certified individual acted 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 individual certified under Section 26-8a-302 is not liable for any civil damages for any act or omission in connection with such sponsorship, authorization, support, finance, or supervision of the certified individual where the act or omission occurs in connection with the certified individual'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 certified individual, 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 care unit 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 receiving 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 care in the course of ski patrol duties 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) An emergency medical service provider who, in good faith, transports an individual against his will but at the direction of a law enforcement officer pursuant to Section 62A-12-232 is not liable for civil damages for transporting the individual.

(8) A person who is permitted to use a fully automated external defibrillator because of Section 26-8a-308 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.