

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1314 (as reported without amendment)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Judiciary

CONTENT

The bill would amend the Good Samaritan law to include physician's assistants in the law's immunity from liability for civil damages resulting from acts or omissions of certain health care professionals, unless the acts or omissions amount to gross negligence or willful and wanton misconduct. The current immunity provisions apply to the following:

- A physician, registered nurse (RN), or licensed practical nurse (LPS) who, in good faith, renders care at the scene of an emergency, if the physician, RN, or LPN does not have a professional relationship with the person in need of care.
- A physician who, without compensation, performs a physical examination upon an individual to determine his or her fitness to engage in competitive sports, if the physician has obtained from the individual or his or her parent or guardian, a sign statement that he or she knows that the physician is not necessarily performing a complete physical and is not liable for acts or omissions except for gross negligence or willful and wanton misconduct.
- A physician, RN, or LPN who renders emergency care, without compensation, to someone requiring care as a result of engaging in competitive sports (unless the physician's or nurse's acts or omissions are outside of his or her scope of license).
- A physician or other specified health professional who responds to a life-threatening emergency or responds to a request for emergency assistance in a life-threatening emergency within a licensed medical care facility, if the person's actual hospital duty does not require a response to an emergency situation. (This does not apply to a physician if a physician-patient relationship existed before the emergency, or to a licensed nurse if a nurse-patient relationship existed before the emergency.)

MCL 691.1501 & 691.1502

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-1-00

Fiscal Analyst: B. Bowerman