

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 910

Sponsor: Senator John J. H. Schwarz, M.D.

Committee: Health Policy

JUN 26 1990

Date Completed: 5-15-90

SUMMARY OF SENATE BILL 910 as introduced 4-3-90:

The bill would amend the good samaritan Act to establish immunity for a hospital and a "health professional" employed by or under contract to that hospital who in good faith rendered emergency care or treatment until a voluntary health professional-patient relationship was established, and to prohibit a limit on liability if a health professional-patient relationship existed before medical care or treatment was rendered.

Under the bill, a "health professional" employed by, under contract to, or otherwise authorized by a hospital to work or practice in the hospital who in good faith rendered emergency medical care, treatment, or direction to a patient within the hospital and the hospital in which the medical care, treatment, or direction was rendered, would not be liable for civil damages as a result of an act or omission in the rendering of the medical care, treatment, or direction except for gross negligence or willful and wanton misconduct. The emergency medical care, treatment, or direction to a patient would include, but not be limited to, obstetrical care rendered to a woman who was in active labor and subsequent medical care, treatment, or direction until the patient and health professional knowingly consented to a voluntary health professional-patient relationship and the patient no longer was receiving medical care, treatment, or direction as an emergency patient.

The Act currently provides that in instances in which the actual hospital duty of a person did not require a response to an emergency situation, certain medical professionals, as listed in the Act, who respond in good faith to a life-threatening emergency or to a request for emergency assistance within a hospital or other licensed medical care facility are not liable for civil damages as a result of an act or omission in rendering the emergency care, except for gross negligence and willful and wanton misconduct. The Act also specifies that the exemption from liability does not apply to a physician or to a licensed nurse in cases in which a physician-patient or nurse-patient relationship existed before the emergency.

The bill would revise these provisions to include within the limitation of liability a health professional employed by, or under contract to a hospital, and to specify that the limitation on liability would not apply to a health professional if a health professional-patient relationship existed before the medical care, treatment, or direction was rendered. The bill also would delete references to hospital and specific medical professionals and replace them with references to a "licensed health facility" and "health professional". ("Health professional" would mean a physician, dentist, podiatrist, intern, resident,

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registered professional nurse, licensed practical nurse, physical therapist, clinical laboratory technologist, respiratory therapist, certified registered nurse anesthetist, x-ray technician, ambulance attendant, emergency medical technician, emergency medical technician, specialist, or advanced emergency medical technician. "Licensed health facility" would mean a health facility or agency licensed under the facilities and agencies article of the Public Health Code, such as a hospital, health maintenance organization, home for the aged, and nursing home, and county medical care facility.)

MCL 691.1502

Legislative Analyst: L. Arasim

FISCAL IMPACT

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

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.