

SENATE BILL No. 323

April 13, 1989, Introduced by Senators SCHWARZ, ENGLER, POSTHUMUS, FAUST and SEDERBURG and referred to the Committee on Judiciary.

A bill to amend section 2 of Act No. 17 of the Public Acts of 1963, entitled as amended

"An act to relieve certain persons from civil liability when rendering emergency care or when participating in a mass immunization program approved by the department of public health,"

being section 691.1502 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 17 of the Public Acts of
2 1963, being section 691.1502 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. (1) In instances where the actual hospital duty of
5 that person did not require a response to that emergency situa-
6 tion, a physician, dentist, podiatrist, intern, resident, regis-
7 tered nurse, licensed practical nurse, ~~—registered—~~ physical
8 therapist, clinical laboratory technologist, ~~—inhalation—~~
9 RESPIRATORY therapist, certified registered nurse anesthetist,

1 x-ray technician, ~~or paramedical person~~ AMBULANCE ATTENDANT,
2 EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPE-
3 CIALIST, OR ADVANCED EMERGENCY MEDICAL TECHNICIAN who, in good
4 faith, responds to a ~~life threatening~~ LIFE-THREATENING emer-
5 gency or responds to a request for emergency assistance in a
6 ~~life threatening~~ LIFE-THREATENING emergency within a hospital
7 or other licensed medical care facility, shall not be liable for
8 any civil damages as a result of an act or omission in the
9 rendering of THE emergency care, except ~~an act or omission~~
10 ~~amounting to~~ FOR gross negligence or willful and wanton
11 misconduct.

12 (2) A PHYSICIAN, DENTIST, PODIATRIST, INTERN, RESIDENT, REG-
13 ISTERED NURSE, LICENSED PRACTICAL NURSE, PHYSICAL THERAPIST,
14 CLINICAL LABORATORY TECHNOLOGIST, RESPIRATORY THERAPIST, CERTI-
15 FIED REGISTERED NURSE ANESTHETIST, X-RAY TECHNICIAN, AMBULANCE
16 ATTENDANT, EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECH-
17 NICIAN SPECIALIST, OR ADVANCED EMERGENCY MEDICAL TECHNICIAN
18 EMPLOYED BY, UNDER CONTRACT TO, OR OTHERWISE AUTHORIZED TO WORK
19 OR PRACTICE IN THE EMERGENCY ROOM, EMERGENCY DEPARTMENT, OR
20 TRAUMA CENTER OF A HOSPITAL WHO, IN GOOD FAITH, RENDERS MEDICAL
21 CARE OR TREATMENT WITHIN THE EMERGENCY ROOM, EMERGENCY DEPART-
22 MENT, OR TRAUMA CENTER AND SUBSEQUENT MEDICAL CARE OR TREATMENT
23 UNTIL A VOLUNTARY HEALTH PROFESSIONAL-PATIENT RELATIONSHIP IS
24 ESTABLISHED AND THE PATIENT IS CAPABLE OF RECEIVING MEDICAL CARE
25 OR TREATMENT AS A NONEMERGENCY PATIENT, AND THE HOSPITAL THAT
26 OWNS OR OPERATES THE EMERGENCY ROOM, EMERGENCY DEPARTMENT, OR
27 TRAUMA CENTER, SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES AS A

1 RESULT OF AN ACT OR OMISSION IN THE RENDERING OF THE MEDICAL CARE
2 OR TREATMENT, EXCEPT FOR GROSS NEGLIGENCE OR WILLFUL AND WANTON
3 MISCONDUCT.

4 (3) ~~-(2)-~~ The ~~exemption from~~ LIMITATION ON liability under
5 subsection (1) ~~shall~~ DOES not apply to a physician where a
6 physician-patient relationship existed ~~prior to~~ BEFORE the
7 advent of the emergency nor to a licensed nurse where a
8 nurse-patient relationship existed ~~prior to~~ BEFORE the advent
9 of the emergency.

10 (4) ~~-(3)- Nothing in this act shall~~ THIS ACT DOES NOT dimin-
11 ish a hospital's responsibility to reasonably and adequately
12 staff hospital emergency facilities when the hospital maintains
13 or holds out to the general public that it maintains such emer-
14 gency room facilities.