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HOUSE BILL NO. 1850

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact § 8.01-225 of the Code of Virginia, relating to persons providing on-call services in hospital emergency rooms.

Patron—Lingamfelter

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-225 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person at the scene of an accident, fire, or any life-threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, administers epinephrine to an individual for whom an insect sting treatment kit has been prescribed shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if he has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or any governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission or storage of liquefied petroleum gas, liquefied natural gas, hazardous material or hazardous waste as defined in § 18.2-278.1 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire or any other place, or while transporting such injured or ill person to, from or between any hospital, medical facility, medical clinic, doctor's office or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. Has attended and successfully completed a course in cardiopulmonary resuscitation which has been approved by the State Board of Health who, in good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation, cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator, or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident or any other place, or while transporting such person to or from any hospital, clinic, doctor's office or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. In compliance with § 32.1-111.14:1 registers an automated external defibrillator for use at the scene of an emergency, operates a registered automated external defibrillator at the scene of an emergency, trains individuals to be operators of registered automated external defibrillators, or orders automated external defibrillators which are subsequently registered, shall be immune from civil liability for any personal injury that results from any act or omission in the use of a registered automated external defibrillator in an emergency where the person performing the defibrillation acts as an ordinary,

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59 reasonably prudent person would have acted under the same or similar circumstances, unless such
60 personal injury results from gross negligence or willful or wanton misconduct of the person rendering
61 such emergency care.

62 8. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol
63 System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any
64 injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue or any other
65 place or while transporting such injured or ill person to a place accessible for transfer to any available
66 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by
67 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable
68 for any civil damages for acts or omissions resulting from the rendering of such emergency care,
69 treatment or assistance, including but not limited to acts or omissions which involve violations of any
70 state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such
71 emergency care or assistance, unless such act or omission was the result of gross negligence or willful
72 misconduct.

73 9. Is an employee of a school board, authorized by a prescriber and trained in the administration of
74 insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with
75 the administration of insulin or administers glucagon to a student diagnosed as having diabetes who
76 requires insulin injections during the school day or for whom glucagon has been prescribed for the
77 emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence
78 in acts or omissions resulting from the rendering of such treatment if the insulin is administered
79 according to the child's medication schedule or such employee has reason to believe that the individual
80 receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any
81 employee of a school board is covered by the immunity granted herein, the school board employing him
82 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the
83 rendering of such insulin or glucagon treatment.

84 10. *Agrees to be on call in a hospital emergency room shall not be liable for any civil damages for*
85 *acts or omissions resulting from the rendering of such emergency care in such hospital emergency room*
86 *in the absence of gross negligence or willful misconduct, under the following circumstances: (i) such*
87 *person is licensed by a health regulatory board and is acting within his scope of practice; (ii) the*
88 *emergency care is rendered to a person who has not previously been cared for by the person or by*
89 *another person professionally associated with the person for the illness or injury causing the emergency;*
90 *and (iii) the medical records of the person receiving treatment are not reasonably available to the*
91 *person rendering the care. The immunity herein granted shall apply only to the emergency medical care*
92 *provided.*

93 B. Any licensed physician serving without compensation as the operational medical director for a
94 licensed emergency medical services agency in this Commonwealth shall not be liable for any civil
95 damages for any act or omission resulting from the rendering of emergency medical services in good
96 faith by the personnel of such licensed agency unless such act or omission was the result of such
97 physician's gross negligence or willful misconduct.

98 Any person serving without compensation as a dispatcher for any licensed public or nonprofit
99 emergency services agency in this Commonwealth shall not be liable for any civil damages for any act
100 or omission resulting from the rendering of emergency services in good faith by the personnel of such
101 licensed agency unless such act or omission was the result of such dispatcher's gross negligence or
102 willful misconduct.

103 Any individual, certified by the State Office of Emergency Medical Services as an emergency
104 medical services instructor and pursuant to a written agreement with such office, who, in good faith and
105 in the performance of his duties, provides instruction to persons for certification or recertification as a
106 certified basic life support or advanced life support emergency medical services technician shall not be
107 liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf
108 of such office unless such act or omission was the result of such emergency medical services instructor's
109 gross negligence or willful misconduct.

110 Any licensed physician serving without compensation as a medical advisor to an E-911 system in
111 this Commonwealth shall not be liable for any civil damages for any act or omission resulting from
112 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911
113 service, as defined in § 58.1-3813.1, when answering emergency calls unless such act or omission was
114 the result of such physician's gross negligence or willful misconduct.

115 Any licensed physician who directs the provision of emergency medical services, as authorized by
116 the State Board of Health, through a communications device shall not be liable for any civil damages
117 for any act or omission resulting from the rendering of such emergency medical services unless such act
118 or omission was the result of such physician's gross negligence or willful misconduct.

119 Any licensed physician serving without compensation as a supervisor of a registered automated
120 external defibrillator in this Commonwealth shall not be liable for any civil damages for any act or

omission resulting from rendering medical advice in good faith to the registrant of the automated external defibrillator relating to personnel training, local emergency medical services coordination, protocol approval, automated external defibrillator deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any provider of telecommunication service, as defined in § 58.1-3812, including mobile service, in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of §§ 45.1-161.38, 45.1-161.101, 45.1-161.199 or § 45.1-161.263, (iii) complimentary lift tickets, food, lodging or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group or agency, or (iv) the salary of any person who, in compliance with § 32.1-111.14:1, (a) registers an automated external defibrillator for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate registered automated external defibrillators at the scene of emergencies, (c) orders automated external defibrillators for subsequent registration and use at the scene of emergencies, or (d) operates, in accordance with the training required by § 32.1-111.14:1, a registered automated external defibrillator at the scene of an emergency.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in this Commonwealth, which care originated in such other state.