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**SENATE BILL NO. 624**

Offered January 16, 2014

A *BILL to amend and reenact § 8.01-225 of the Code of Virginia, relating to emergency care; school board employees.*

\_\_\_\_\_  
Patron—Newman

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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 (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route 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, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person 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 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 § 10.1-1400 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. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); 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. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

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59 8. Maintains an AED located on real property owned or controlled by such person shall be immune  
60 from civil liability for any personal injury that results from any act or omission in the use in an  
61 emergency of an AED located on such property unless such personal injury results from gross  
62 negligence or willful or wanton misconduct of the person who maintains the AED or his agent or  
63 employee.

64 9. *Is an employee of a school board who, while on school property or at a school-sponsored event,*  
65 *(i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers*  
66 *emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the*  
67 *use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative*  
68 *treatments or procedures that have been approved by the State Board of Health to any sick or injured*  
69 *person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv)*  
70 *maintains an AED, shall not be liable for civil damages for ordinary negligence resulting from the acts*  
71 *described in this subdivision.*

72 ~~9.~~ 10. Is a volunteer in good standing and certified to render emergency care by the National Ski  
73 Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance  
74 to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or  
75 any other place or while transporting such injured or ill person to a place accessible for transfer to any  
76 available emergency medical system unit, or any resort owner voluntarily providing a ski patroller  
77 employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall  
78 not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency  
79 care, treatment, or assistance, including but not limited to acts or omissions which involve violations of  
80 any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such  
81 emergency care or assistance, unless such act or omission was the result of gross negligence or willful  
82 misconduct.

83 ~~10.~~ 11. Is an employee of a school board, authorized by a prescriber and trained in the administration  
84 of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with  
85 the administration of insulin or administers glucagon to a student diagnosed as having diabetes who  
86 requires insulin injections during the school day or for whom glucagon has been prescribed for the  
87 emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence  
88 in acts or omissions resulting from the rendering of such treatment if the insulin is administered  
89 according to the child's medication schedule or such employee has reason to believe that the individual  
90 receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any  
91 employee of a school board is covered by the immunity granted herein, the school board employing him  
92 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the  
93 rendering of such insulin or glucagon treatment.

94 ~~11.~~ 12. Is a school nurse, an employee of a school board, an employee of a local governing body, or  
95 an employee of a local health department who is authorized by a prescriber and trained in the  
96 administration of epinephrine and who provides, administers, or assists in the administration of  
97 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber  
98 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions  
99 resulting from the rendering of such treatment.

100 ~~12.~~ 13. Is an employee of a provider licensed by the Department of Behavioral Health and  
101 Developmental Services, or provides services pursuant to a contract with a provider licensed by the  
102 Department of Behavioral Health and Developmental Services, who has been trained in the  
103 administration of insulin and glucagon and who administers or assists with the administration of insulin  
104 or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for  
105 whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with  
106 § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions  
107 resulting from the rendering of such treatment if the insulin is administered in accordance with the  
108 prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is  
109 suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider  
110 licensed by the Department of Behavioral Health and Developmental Services or a person who provides  
111 services pursuant to a contract with a provider licensed by the Department of Behavioral Health and  
112 Developmental Services is covered by the immunity granted herein, the provider shall not be liable for  
113 any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such  
114 insulin or glucagon treatment.

115 ~~13.~~ 14. Is an employee of a provider licensed by the Department of Behavioral Health and  
116 Developmental Services, or provides services pursuant to a contract with a provider licensed by the  
117 Department of Behavioral Health and Developmental Services, who has been trained in the  
118 administration of epinephrine and who administers or assists in the administration of epinephrine to a  
119 person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's  
120 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions

121 resulting from the rendering of such treatment.

122 14. 15. In good faith and without compensation, administers naloxone in an emergency to an  
123 individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be  
124 liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of  
125 such treatment if such administering person is a participant in a pilot program conducted by the  
126 Department of Behavioral Health and Developmental Services on the administration of naloxone for the  
127 purpose of counteracting the effects of opiate overdose.

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

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

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

145 Any licensed physician serving without compensation as a medical advisor to an E-911 system in the  
146 Commonwealth shall not be liable for any civil damages for any act or omission resulting from  
147 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911  
148 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the  
149 result of such physician's gross negligence or willful misconduct.

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

154 Any licensed physician serving without compensation as a supervisor of an AED in the  
155 Commonwealth shall not be liable for any civil damages for any act or omission resulting from  
156 rendering medical advice in good faith to the owner of the AED relating to personnel training, local  
157 emergency medical services coordination, protocol approval, AED deployment strategies, and equipment  
158 maintenance plans and records unless such act or omission was the result of such physician's gross  
159 negligence or willful misconduct.

160 C. Any communications services provider, as defined in § 58.1-647, including mobile service, and  
161 any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any  
162 civil damages for any act or omission resulting from rendering such service with or without charge  
163 related to emergency calls unless such act or omission was the result of such service provider's gross  
164 negligence or willful misconduct.

165 Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily  
166 providing personnel to engage in rescue or recovery work at a mine not owned or operated by such  
167 operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such  
168 rescue or recovery work in good faith unless such act or omission was the result of gross negligence or  
169 willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or  
170 "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually  
171 originating or terminating in Internet Protocol from either or both ends of a channel of communication  
172 offering real time, multidirectional voice functionality, including, but not limited to, services similar to  
173 traditional telephone service.

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

176 E. [Expired.]

177 F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the  
178 salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii)  
179 the salaries or wages of employees of a coal producer engaging in emergency medical technician service  
180 or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or  
181 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to

182 volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the  
183 salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains  
184 individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies,  
185 (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an  
186 emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this  
187 section.

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

192 Further, the public shall be urged to receive training on how to use CPR and an AED in order to  
193 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

194 **2. That an emergency exists and this act is in force from its passage.**