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HOUSE BILL NO. 1113

Offered January 26, 1998

A BILL to amend and reenact § 8.01-225 of the Code of Virginia, relating to immunity for ski patrol emergency assistance.

Patrons—Armstrong, Bryant, Day, Grayson, Shuler and Wilkins; Senators: Hawkins, Newman and Reynolds

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, 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.

Any person who, 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.

Any person who, 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.

Any person who 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.

Any 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.

Any person having 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 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 such individual shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

Any volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care,

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60 *treatment or assistance, including but not limited to acts or omissions which involve violations of any*
61 *state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such*
62 *emergency care or assistance, unless such act or omission was the result of gross negligence or willful*
63 *misconduct.*

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

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

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

81 B1. Any licensed physician serving without compensation as a medical advisor to an E-911 system
82 in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from
83 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911
84 system, as defined in § 58.1-3813, when answering emergency calls unless such act or omission was the
85 result of such physician's gross negligence or willful misconduct.

86 B2. Any provider of telecommunication service as defined in § 58.1-3812, including mobile service,
87 in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from
88 rendering such service with or without charge related to emergency calls unless such act or omission
89 was the result of such service provider's gross negligence or willful misconduct.

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

92 For the purposes of this section, the term "compensation" shall not be construed to include (i) the
93 salaries of police, fire or other public officials or personnel who render such emergency assistance, ~~nor~~
94 (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician
95 service or first aid service pursuant to the provisions of §§ 45.1-161.38, 45.1-161.101, 45.1-161.199 or
96 § 45.1-161.263 or (iii) *complimentary lift tickets, food, lodging or other gifts provided as a gratuity to*
97 *volunteer members of the National Ski Patrol System, Inc., by any resort, group or agency.*

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

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

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