

LIABILITY OF CERTAIN PERSONS FOR EMERGENCY CARE

Act 17 of 1963

AN ACT to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health.

History: 1963, Act 17, Eff. Sept. 6, 1963 ;-- Am. 1964, Act 60, Imd. Eff. May 12, 1964 ;-- Am. 1975, Act 123, Imd. Eff. July 1, 1975 ;-- Am. 1976, Act 202, Imd. Eff. July 23, 1976 ;-- Am. 1987, Act 30, Imd. Eff. May 26, 1987

The People of the State of Michigan enact:

691.1501 Physician, physician's assistant, nurse, or EMS provider rendering emergency care; determining fitness to engage in competitive sports; liability for acts or omissions; definitions.

Sec. 1.

(1) A physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider who in good faith renders emergency care without compensation at the scene of an emergency, if a physician-patient relationship, physician's assistant-patient relationship, registered professional nurse-patient relationship, licensed practical nurse-patient, or licensed EMS provider-patient relationship did not exist before the emergency, is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, licensed practical nurse, licensed EMS provider in rendering the emergency care, except acts or omissions that amount to gross negligence or willful and wanton misconduct.

(2) A physician or physician's assistant who in good faith performs a physical examination without compensation on an individual to determine the individual's fitness to engage in competitive sports and who has obtained a form described in this subsection signed by the individual or, if the individual is a minor, by the parent or guardian of the minor, is not liable for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions that amount to gross negligence or willful and wanton misconduct or that are outside the scope of the license held by the physician or physician's assistant. The form required by this subsection must contain a statement indicating that the person signing the form knows that the physician or physician's assistant is not necessarily performing a complete physical examination and is not liable under this section for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions that amount to gross negligence or willful and wanton misconduct or that are outside the scope of the license held by the physician or physician's assistant.

(3) A physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider who in good faith renders emergency care without compensation to an individual requiring emergency care as a result of having engaged in competitive sports is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider in rendering the emergency care, except acts or omissions that amount to gross negligence or willful and wanton misconduct and except acts or omissions that are outside the scope of the license held by the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider. This subsection applies to the rendering of emergency care to a minor even if the physician, physician's assistant, registered professional nurse, licensed practical nurse, or licensed EMS provider does not obtain the consent of the parent or guardian of the minor before the emergency care is rendered.

(4) As used in this act:

(a) "Competitive sports" means sports conducted as part of a program sponsored by a public or private school that provides instruction in grades kindergarten through 12 or a charitable or volunteer organization. Competitive sports do not include sports conducted as part of a program sponsored by a public or private college or university.

(b) "Licensed EMS provider" means an individual who is a medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic, as those terms are defined in sections 20904 to 20908 of the public health code, 1978 PA 368, MCL 333.20904 to 333.20908.

(c) "Licensed practical nurse" means an individual licensed to engage in the practice of nursing as a licensed practical nurse under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(d) "Physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(e) "Physician's assistant" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery performed under the supervision of a physician as provided in article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) "Registered professional nurse" means an individual licensed to engage in the practice of nursing as a registered professional nurse under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

History: Add. 1975, Act 123, Imd. Eff. July 1, 1975 ;-- Am. 2002, Act 543, Imd. Eff. July 26, 2002 ;-- Am. 2015, Act 209, Eff. Feb. 28, 2016

Compiler's Notes: Enacting section 1 of Act 543 of 2002 provides: "Enacting section 1. This amendatory act applies to a cause of action arising on or after the effective date of this amendatory act."

691.1502 Emergency care; exemption from civil liability; exception; staffing hospital emergency facilities.

Sec. 2.

(1) If the individual's actual hospital duty does not require a response to the emergency situation, a physician, physician's assistant, dentist, podiatrist, intern, resident, registered professional nurse, licensed practical nurse, physical therapist, clinical laboratory technologist, inhalation therapist, certified registered nurse anesthetist, x-ray technician, or licensed EMS provider who in good faith responds to a life threatening emergency or responds to a request for emergency assistance in a life threatening emergency in a hospital or other licensed medical care facility is not liable for civil damages as a result of an act or omission in the rendering of emergency care, except an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) The exemption from liability under subsection (1) does not apply to a physician if a physician-patient relationship, to a physician's assistant if a physician's assistant-patient relationship, or to a licensed nurse if a nurse-patient relationship existed before the emergency.

(3) The exemption from liability under subsection (1) does not apply to a physician's assistant unless the response by the physician's assistant is within the scope of the license held by the physician's assistant or within the expertise or training of the physician's assistant.

(4) This act does not diminish a hospital's responsibility to reasonably and adequately staff hospital emergency facilities if the hospital maintains or holds out to the general public that it maintains emergency room facilities.

History: Add. 1975, Act 123, Imd. Eff. July 1, 1975 ;-- Am. 2002, Act 543, Imd. Eff. July 26, 2002 ;-- Am. 2015, Act 209, Eff. Feb. 28, 2016

Compiler's Notes: Enacting section 1 of Act 543 of 2002 provides: "Enacting section 1. This amendatory act applies to a cause of action arising on or after the effective date of this amendatory act."

691.1503 Administration of opioid antagonist; liability; definitions.

Sec. 3.

(1) An individual who in good faith believes that another individual is suffering the immediate effects of an opioid-related overdose and who administers an opioid antagonist to the other individual is not liable in a civil action for damages resulting from the administration.

(2) This section does not apply in any of the following circumstances:

(a) If the individual who administers the opioid antagonist is a physician, physician's assistant, registered nurse, or licensed practical nurse and the opioid antagonist is administered in a hospital.

(b) If the conduct of the individual administering the opioid antagonist is willful or wanton misconduct.

(3) As used in this section:

(a) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

(b) "Opioid-related overdose" means a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a layperson would reasonably believe

to be an opioid-related overdose that requires medical assistance.

History: Add. 2014, Act 314, Imd. Eff. Oct. 14, 2014

Compiler's Notes: Former MCL 691.1503, which pertained to liability of health personnel and drug manufacturers participating in mass immunization programs, was repealed by Act 368 of 1978, Eff. Sept. 30, 1978.

691.1504 Rendering of cardiopulmonary resuscitation; applicability of subsection (1) to civil actions; use of automated external defibrillator; applicability of subsections (3) and (4).

Sec. 4.

(1) Subject to subsection (2), an individual who having no duty to do so in good faith voluntarily renders cardiopulmonary resuscitation to another individual is not liable in a civil action for damages resulting from an act or omission in rendering the cardiopulmonary resuscitation, except an act or omission that constitutes gross negligence or willful and wanton misconduct.

(2) Subsection (1) applies only to a civil action that is filed or pending on or after May 1, 1986.

(3) Subject to subsection (5), an individual who having no duty to do so in good faith voluntarily renders emergency services to another individual using an automated external defibrillator is not liable in a civil action for damages resulting from an act or omission in rendering the emergency services using the automated external defibrillator, except an act or omission that constitutes gross negligence or willful and wanton misconduct.

(4) Subject to subsection (5), the following persons are not liable in a civil action for damages resulting from an act or omission of an individual rendering emergency services using an automated external defibrillator as described in subsection (3), except if the person's actions constitute gross negligence or willful and wanton misconduct:

(a) A physician who provides medical authorization for use of an automated external defibrillator.

(b) An individual who instructs others in the use of an automated external defibrillator.

(c) An individual or entity that owns, occupies, or manages the premises where an automated external defibrillator is located or used.

(5) Subsections (3) and (4) apply only to a civil action that is filed or pending on or after the effective date of the amendatory act that added this subsection.

History: Add. 1986, Act 21, Imd. Eff. Mar. 10, 1986 ;-- Am. 1999, Act 173, Imd. Eff. Nov. 16, 1999

691.1505 Liability of block parent volunteer; definitions.

Sec. 5.

(1) A block parent volunteer who in good faith and while acting as a block parent volunteer renders assistance to a minor during an emergency shall not be liable for civil damages resulting from an act or omission in the rendering of that assistance, except an act or omission amounting to gross negligence or wilful and wanton misconduct.

(2) As used in this section:

(a) "Block parent volunteer" means a person who is a member of a nonprofit volunteer organization which has as its primary function assisting minors in getting safely to and from school.

(b) "Minor" means a person who is less than 18 years of age.

History: Add. 1985, Act 150, Imd. Eff. Nov. 12, 1985

691.1507 Member of national ski patrol system rendering emergency care; liability for acts or omissions.

Sec. 7.

A person who is a registered member of the national ski patrol system and who, in good faith and while on patrol as a member of the national ski patrol system, renders emergency care at the scene of an emergency shall not be liable for civil damages as a result of acts or omissions by the person in rendering the emergency care, except acts or omissions amounting to gross negligence or willful and wanton misconduct.

History: Add. 1987, Act 30, Imd. Eff. May 26, 1987 ;-- Am. 2006, Act 43, Imd. Eff. Mar. 2, 2006