

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 160

Short Title: Amend Good Samaritan Law/Medical Care. (Public)

Sponsors: Senators Purcell, Forrester; Allran, Berger, Carpenter, Carter, Foxx, Garwood, Hartsell, Kerr, Kinnaird, Lucas, Metcalf, Rucho, and Warren.

Referred to: Judiciary I.

February 19, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD
3 SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 90-21.14(a1) is recodified as G.S. 90-21.16.

6 **SECTION 2.(b)** G.S. 90-21.16, as enacted in Section 1(a) of this act, reads
7 as rewritten:

8 "**§ 90-21.16. Volunteer health care professionals; liability limitation.**

9 (a) This section applies as follows:

- 10 (1) Any volunteer medical or health care provider at a facility of a local
11 health department or at a nonprofit community health center,
12 (2) Any volunteer medical or health care provider rendering services to a
13 patient referred by a local health department as defined in G.S.
14 130A-2(5) or nonprofit community health center at the provider's place
15 of employment,
16 (3) Any volunteer medical or health care provider serving as medical
17 director of an emergency medical services (EMS) agency, ~~or~~
18 (4) Any retired physician holding a 'Limited Volunteer License' under
19 G.S. 90-12(d), or
20 (5) Any volunteer medical or health care provider licensed or certified in
21 this State who provides services within the scope of the provider's
22 license or certification at a free clinic facility,

23 who receives no compensation for medical services or other related services rendered at
24 the facility, center, agency, or clinic, or who neither charges nor receives a fee for
25 medical services rendered to the patient referred by a local health department or
26 nonprofit community health center at the provider's place of employment shall not be
27 liable for damages for injuries or death alleged to have occurred by reason of an act or

1 omission in the rendering of the services unless it is established that the injuries or death
2 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part
3 of the person rendering the services. The free clinic, local health department facility,
4 nonprofit community health center, or agency shall use due care in the selection of
5 volunteer medical or health care providers, and this subsection shall not excuse the free
6 clinic, health department facility, community health center, or agency for the failure of
7 the volunteer medical or health care provider to use ordinary care in the provision of
8 medical services to its patients.

9 (b) Nothing in this section shall be deemed or construed to relieve any person
10 from liability for damages for injury or death caused by an act or omission on the part of
11 such person while rendering health care services in the normal and ordinary course of
12 his business or profession. Services provided by a medical or health care provider who
13 receives no compensation for his services and who voluntarily renders such services at
14 facilities of free clinics, local health departments as defined in G.S. 130A-2, or at a
15 nonprofit community health center, or as a volunteer medical director of an emergency
16 medical services (EMS) agency, are deemed not to be in the normal and ordinary course
17 of the volunteer medical or health care provider's business or profession.

18 (c) As used in this section, a 'free clinic' is a nonprofit, 501(c)(3) tax-exempt
19 organization organized for the purpose of providing health care services without charge
20 or for a minimum fee to cover administrative costs and that maintains liability insurance
21 covering the acts and omissions of its volunteers.

22 (d) To the extent that a free clinic, local health department, nonprofit community
23 health center, or volunteer medical or health care provider has liability insurance
24 covering the acts and omissions of a volunteer medical or health care provider, that free
25 clinic, local health department, nonprofit community health center, or volunteer medical
26 or health care provider is deemed to have waived the qualified immunity provided under
27 this section to the extent of indemnification by insurance for negligence by the
28 volunteer medical or health care provider."

29 **SECTION 2.** G.S. 90-21.14(b) reads as rewritten:

30 "(b) Nothing in this section shall be deemed or construed to relieve any person
31 from liability for damages for injury or death caused by an act or omission on the part of
32 such person while rendering health care services in the normal and ordinary course of
33 his business or profession. Services provided by a volunteer health care provider who
34 receives no compensation for his services and who renders first aid or emergency
35 treatment to members of athletic teams are deemed not to be in the normal and ordinary
36 course of the volunteer health care provider's business or profession. ~~Services provided~~
37 ~~by a medical or health care provider who receives no compensation for his services and~~
38 ~~who voluntarily renders such services at facilities of local health departments as defined~~
39 ~~in G.S. 130A-2 or at a nonprofit community health center, or as a volunteer medical~~
40 ~~director of an emergency medical services (EMS) agency, are deemed not to be in the~~
41 ~~normal and ordinary course of the volunteer medical or health care provider's business~~
42 ~~or profession."~~

43 **SECTION 3.** This act becomes effective October 1, 2001, and applies to acts
44 or omissions occurring on and after that date.