

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 160  
Judiciary I Committee Substitute Adopted 4/24/01  
Judiciary I Committee Substitute #2 Adopted 4/25/01  
Corrected Copy 4/26/01

Short Title: Amend Good Samaritan Law/Medical Care.

(Public)

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Sponsors:

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Referred to:

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February 19, 2001

A BILL TO BE ENTITLED

1 AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD  
2 SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.  
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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 1.(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 or her business or profession. Services provided by a medical or health care provider  
13 who receives no compensation for his or her services and who voluntarily renders such  
14 services at facilities of free clinics, local health departments as defined in G.S. 130A-2,  
15 nonprofit community health centers, 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 the free clinic and any liability pursuant to  
22 subsection (a) of this section."

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

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

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