

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1438 (The Speaker)
(Administration)

Rules and Executive Nominations

**Emergency Medical Care - Civil Liability - Fire, Ambulance, or Rescue Companies
and Personnel**

This emergency Administration bill alters the “Good Samaritan Act” by providing that a person meeting specified qualifications is not civilly liable for any act or omission in giving any assistance or medical care, if, among other things, the individual providing the assistance or medical care does not charge the recipient of the assistance or medical care a fee or other compensation for providing the assistance or medical care.

An individual who meets the bill’s requirements and is affiliated with a State, county, municipal, or volunteer fire, ambulance, or rescue company is covered under the bill regardless of whether the State, county, municipal, or volunteer fire, ambulance, or rescue company charges the recipient of the assistance or medical care a fee for the assistance, including transportation or medical care provided. The immunity may also apply to a State, county, municipal, or volunteer fire department, ambulance, and rescue squad whose members have immunity.

Fiscal Summary

State Effect: The bill could limit the liability of the State under certain circumstances in connection with acts and omissions of Maryland Department of Transportation fire and rescue personnel.

Local Effect: The bill could limit the liability of county and municipal fire departments and ambulance and rescue squads under certain circumstances.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued

when the Administration's assessment becomes available.

Analysis

Current Law: The "Good Samaritan Act" provides that a person meeting specified qualifications is not civilly liable for any act or omission in giving any assistance or medical care, if:

- the act or omission is not one of gross negligence;
- the assistance or medical care is provided without fee or other compensation; and
- the assistance or medical care is provided at the scene of an emergency, in transit to a medical facility, or through communications with personnel providing emergency assistance.

The immunity may apply to a volunteer fire department, ambulance, and rescue squad whose members have immunity.

Background: In the case of *Chase v. Mayor and City Council of Baltimore*, 126 Md. App. 427 (1999), a paramedic working for the Baltimore City Fire Department was sued for improperly intubating a patient. The trial court granted summary judgment in favor of the defendants, but the Court of Special Appeals reversed, holding that because the City of Baltimore billed the patient \$100 for the ambulance transportation, the medical care was not provided "without compensation" under the Good Samaritan Act.

The Court of Special Appeals also held that the Fire and Rescue Company Act (Courts and Judicial Proceedings Article, Section 5-604), which provides that a fire or rescue company and its personnel are immune from civil liability for any act or omission in the course of performing their duties, does not apply to municipal fire and rescue departments.

The case is pending before the Court of Appeals.

State Fiscal Effect: The bill could limit the liability of the State in connection with acts and omissions of Maryland Department of Transportation fire and rescue personnel.

Under the State Tort Claims Act, the liability of the State may not exceed \$200,000 to a single claimant for injuries arising from a single incident. State tort losses for fiscal 2001 are estimated at \$2.8 million.

Local Fiscal Effect: The bill could limit the liability of county and municipal fire departments and ambulance and rescue squads whose members have immunity under the

Good Samaritan Act. The extent of the liability that would be avoided cannot be determined at this time.

Under the Local Government Tort Claims Act, the liability of a local government for damages resulting from tortious acts or omissions may not exceed \$200,000 per an individual claim, and \$500,000 per total claims that arise from the same occurrence.

Additional Information

Prior Introductions: A similar bill was introduced during the 1996 session as HB 232, which received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services, Maryland Association of Counties, Department of Legislative Services

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cm/jr

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