

BY: Senator Harris

AMENDMENTS TO SENATE BILL NO. 836

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “providing immunity from civil liability for certain individuals providing emergency medical care under certain circumstances;”.

On page 3, after line 8, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 5-603

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 4, after line 35, insert:

“Article - Courts and Judicial Proceedings

5-603.

(a) A person described in subsection (b) of this section is not civilly liable for any act or omission in giving any assistance or medical care, if:

(1) The act or omission is not one of gross negligence;

(2) The assistance or medical care is provided without fee or other compensation;

and

(Over)

(3) The assistance or medical care is provided:
(i) At the scene of an emergency;
(ii) In transit to a medical facility; or
(iii) Through communications with personnel providing emergency assistance.

(b) Subsection (a) of this section applies to the following:

(1) An individual who is licensed by this State to provide medical care;
(2) A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad or law enforcement agency or of the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:

(i) Has completed an American Red Cross course in advanced first aid and has a current card showing that status;

(ii) Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health and Mental Hygiene; or

(iii) Is certified or licensed by this State as an emergency medical services provider;

(3) A volunteer fire department, ambulance and rescue squad whose members have immunity; and

(4) A corporation when its fire department personnel are immune under paragraph (2) of this subsection.

(c) An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim:

(1) [at] AT the scene of an emergency, if:

[(1)] (I) The assistance or aid is provided in a reasonably prudent manner;

[(2)] (II) The assistance or aid is provided without fee or other compensation;
and

[(3)] (III) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility[.]; AND

(2) IN A MEDICAL FACILITY, IF:

(I) THE VICTIM INITIALLY VISITED THE EMERGENCY DEPARTMENT OF THE MEDICAL FACILITY REQUESTING EXAMINATION OR TREATMENT FOR AN EMERGENCY MEDICAL CONDITION;

(II) THE INDIVIDUAL IS A HEALTH CARE PROVIDER AS DEFINED IN § 3-2A-01 OF THIS ARTICLE;

(III) THE ACT OR OMISSION IS NOT ONE OF GROSS NEGLIGENCE;

(IV) THE TIMING AND TYPE OF DIAGNOSIS AND TREATMENT ARE NOT AFFECTED BY FINANCIAL CONSIDERATIONS; AND

(V) THE INDIVIDUAL IS ACTING IN FULL COMPLIANCE WITH THE FEDERAL EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) AND THE REGULATIONS ADOPTED UNDER THAT ACT.”.