
By: **Delegates Zirkin, Aumann, Boteler, Cardin, DeBoy, Frank, Jennings,
 McComas, McMillan, Morhaim, Shank, Sophocleus, and Trueschler**
 Introduced and read first time: January 17, 2005
 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice - Emergency Medical Care - Good Samaritan**
3 **Immunity**

4 FOR the purpose of providing immunity from civil liability for certain individuals
5 providing emergency medical care under certain circumstances; and generally
6 relating to providing immunity from civil liability for emergency medical care
7 under certain circumstances.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-603
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 5-603.

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

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

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

22 (3) The assistance or medical care is provided:

23 (i) At the scene of an emergency;

24 (ii) In transit to a medical facility; or

1 (iii) Through communications with personnel providing emergency
2 assistance.

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

4 (1) An individual who is licensed by this State to provide medical care;

5 (2) A member of any State, county, municipal, or volunteer fire
6 department, ambulance and rescue squad or law enforcement agency or of the
7 National Ski Patrol System, or a corporate fire department responding to a call
8 outside of its corporate premises, if the member:

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

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

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

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

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

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

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

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

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

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

30 (2) IN A MEDICAL FACILITY, IF:

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

34 (II) THE INDIVIDUAL IS A HEALTH CARE PROVIDER AS DEFINED IN
35 § 3-2A-01 OF THIS ARTICLE;

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.