

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 160
Judiciary I Committee Substitute Adopted 4/24/01

Short Title: Amend Good Samaritan Law/Medical Care.

(Public)

Sponsors:

Referred to:

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 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
28 omission in the rendering of the services unless it is established that the injuries or death
29 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part

1 of the person rendering the services. The free clinic, local health department facility,
2 nonprofit community health center, or agency shall use due care in the selection of
3 volunteer medical or health care providers, and this subsection shall not excuse the free
4 clinic, health department facility, community health center, or agency for the failure of
5 the volunteer medical or health care provider to use ordinary care in the provision of
6 medical services to its patients.

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

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

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

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

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

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