



SENATE BILL No. 443

March 29, 1995, Introduced by Senators BOUCHARD, CISKY, GEAKE, CARL and SHUGARS and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend section 1 of Act No. 17 of the Public Acts of 1963, entitled as amended

"An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

as amended by Act No. 30 of the Public Acts of 1987, being section 691.1501 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 17 of the Public Acts of
2 1963, as amended by Act No. 30 of the Public Acts of 1987, being
3 section 691.1501 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 1. (1) A physician, registered professional nurse, or
6 licensed practical nurse who in good faith renders emergency care
7 at the scene of an emergency, where a physician-patient

1 relationship, registered professional nurse-patient relationship,
2 or licensed practical nurse-patient relationship did not exist
3 before the advent of the emergency, ~~shall~~ IS not ~~be~~ liable
4 for civil damages as a result of acts or omissions by the physi-
5 cian, registered professional nurse, or licensed practical nurse
6 in rendering the emergency care, except ~~acts or omissions~~
7 ~~amounting to~~ FOR gross negligence or willful and wanton
8 misconduct.

9 (2) A physician who in good faith performs a physical exami-
10 nation ~~—~~ without compensation ~~—~~ upon an individual to deter-
11 mine the individual's fitness to engage in competitive sports and
12 ~~who~~ has obtained a ~~statement~~ FORM DESCRIBED IN THIS
13 SUBSECTION signed by the individual or, if the individual is a
14 minor, the parent or guardian of the minor, IS NOT LIABLE FOR
15 CIVIL DAMAGES AS A RESULT OF ACTS OR OMISSIONS BY THE PHYSICIAN
16 IN PERFORMING THE PHYSICAL EXAMINATION, EXCEPT ACTS OR OMISSIONS
17 AMOUNTING TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.
18 THE FORM REQUIRED BY THIS SUBSECTION SHALL CONTAIN A STATEMENT
19 INDICATING that the person signing the ~~statement~~ FORM knows
20 that the physician is not necessarily performing a complete phys-
21 ical examination and is not liable UNDER THIS SECTION for civil
22 damages as a result of acts or omissions by the physician in per-
23 forming the PHYSICAL examination, except ~~acts or omissions~~
24 ~~amounting to~~ FOR gross negligence or willful and wanton
25 misconduct. ~~or which are outside the scope of the license held~~
26 ~~by the physician, or a~~

1 (3) A physician, registered professional nurse, or licensed
2 practical nurse OR A MEDICAL FIRST RESPONDER, EMERGENCY MEDICAL
3 TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, OR PARAMEDIC
4 LICENSED UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, ACT
5 NO. 368 OF THE PUBLIC ACTS OF '8, BEING SECTION 333.20950 OF
6 THE MICHIGAN COMPILED LAWS, who in good faith renders emergency
7 care ~~—~~ without compensation ~~—~~ to an individual requiring such
8 care as a result of having engaged in competitive sports ~~shall~~
9 IS not ~~be~~ liable for civil damages as a result of acts or omis-
10 sions by the ~~physician in performing the physical examination or~~
11 ~~acts or omissions by the~~ physician, registered professional
12 nurse, ~~or~~ licensed practical nurse, MEDICAL FIRST RESPONDER,
13 EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPE-
14 CIALIST, OR PARAMEDIC in rendering the emergency care, except
15 ~~acts or omissions amounting to~~ FOR gross negligence or willful
16 and wanton misconduct and except acts or omissions ~~which~~ THAT
17 are outside the scope of the license held by the physician, reg-
18 istered professional nurse, ~~or~~ licensed practical nurse, MEDI-
19 CAL FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MED-
20 ICAL TECHNICIAN SPECIALIST, OR PARAMEDIC. This subsection ~~shall~~
21 ~~apply~~ APPLIES to the rendering of emergency care to minors even
22 if the physician, registered professional nurse, ~~or~~ licensed
23 practical nurse, MEDICAL FIRST RESPONDER, EMERGENCY MEDICAL TECH-
24 NICIAN, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, OR PARAMEDIC
25 does not obtain the consent of the parent or guardian of the
26 minor before the emergency care is rendered.

1 (4) ~~(3)~~ As used in this section:

2 (a) "Competitive sports" means sports conducted as part of a
3 program sponsored by a public or private school ~~which~~ THAT pro-
4 vides instruction in grades kindergarten through 12 or a charita-
5 ble or volunteer organization. Competitive sports does not
6 include sports conducted as part of a program sponsored by a
7 public or private college or university.

8 (b) "Licensed practical nurse" means an individual licensed
9 to engage in the practice of nursing as a licensed practical
10 nurse under article 15 of the public health code, Act No. 368 of
11 the Public Acts of 1978, being sections 333.16101 to 333.18838 of
12 the Michigan Compiled Laws.

13 (c) "Physician" means an individual licensed to ENGAGE IN
14 THE practice OF medicine or THE PRACTICE OF osteopathic medicine
15 and surgery under article 15 of Act No. 368 of the Public Acts of
16 1978.

17 (d) "Registered professional nurse" means an individual
18 licensed to engage in the practice of nursing under article 15 of
19 Act No. 368 of the Public Acts of 1978.