

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2612

"TO AMEND ARKANSAS CODE 17-95-101 CONCERNING CIVIL IMMUNITY OF PERSONS RENDERING EMERGENCY MEDICAL SERVICES UNDER THE "GOOD SAMARITAN" LAW."

Amendment No. 1 to House Bill No. 2612.

Amend House Bill No. 2612 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-95-101 is amended to read as follows:
17-95-101. "Good Samaritan" law.

(a) Any person licensed as a physician or surgeon under the laws of the State of Arkansas ~~or any other person~~, who, in good faith, lends emergency care or assistance without compensation at the place of an emergency or accident, ~~and who was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered~~, shall not be liable for any civil damages for acts or omissions performed in good faith as long as any act or omission resulting from the rendering of emergency assistance or services was not grossly negligent or willful misconduct.

(b) Any person who is not a physician, surgeon, nurse, or other person trained or skilled in the treatment of medical emergencies who is present at an emergency or accident scene, and who:

(1) Believes that the life, health, and safety of an injured person or a person who is under imminent threat of danger could be aided by reasonable and accessible emergency procedures under the circumstances existing at the scene thereof;

(2) Proceeds to lend emergency assistance or service in a manner ~~reasonably~~ calculated in good faith to lessen or remove the immediate threat to the life, health, or safety of such a person;

(3) ~~Lends only such emergency care or assistance as a reasonable and prudent person concerned for the immediate protection of the life, health, and safety of the person for whom the services were rendered would lend under the circumstances,~~
shall not be held liable in civil damages in any action in this state for any ~~harm, injury, or death of any such person so long as the person rendering such services acted in good faith and was acting as a reasonable and prudent~~



~~person would have acted under the circumstances present at the scene at the time the services were rendered act or omission resulting from the rendering of emergency assistance or services unless the act or omission was not in good faith and was the result of gross negligence or willful misconduct.~~

(c) No physician or surgeon who in good faith and without compensation renders voluntary emergency medical assistance to a participant in a school athletic event or contest at the site thereof or during transportation to a health care facility for an injury suffered in the course of the event or contest shall be liable for any civil damages as a result of any acts or omissions by that physician or surgeon in rendering the emergency medical care. The immunity granted by this subsection shall not apply in the event of an act or omission constituting gross negligence.

(d) For the purposes of this section and any other law of this state which takes effect on or after January 1, 1994, the term "physician" shall mean a person licensed by the Arkansas State Medical Board, the Arkansas State Board of Chiropractic Examiners, or the State Podiatry Examining Board."

The Amendment was read _____
By: Representative Greenberg
GRH/YTC - 03-09-2007 13:48
GRH329

Chief Clerk