

ASSEMBLY BILL NO. 409—ASSEMBLYMEN GUSTAVSON, NOLAN, BEERS, BROWER, LESLIE, EVANS, CEGAVSKE, HETTRICK, LEE, BERMAN, VON TOBEL, CARPENTER, GIBBONS, ANGLE, TIFFANY, FREEMAN, BACHE, ANDERSON, ARBERRY, PARKS, OHRENSCHALL, PRICE, BUCKLEY, GIUNCHIGLIANI, THOMAS AND CHOWNING

MARCH 5, 1999

Referred to Committee on Judiciary

SUMMARY—Extends limited immunity from liability regarding emergency care. (BDR 3-875)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to emergency care; extending limited immunity from liability regarding the use of automated defibrillators and related training; extending limited immunity from liability to licensed practical nurses for providing or supervising certain emergency care; extending limited immunity from liability to certain providers of health care licensed in another state who render emergency care to persons in this state; conforming certain related provision regarding the occupational safety program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 41.500 is hereby amended to read as follows:
- 2 41.500 1. Except as otherwise provided in NRS 41.505, any person
- 3 in this state who renders emergency care or assistance in an emergency,
- 4 gratuitously and in good faith, is not liable for any civil damages as a result
- 5 of any act or omission, not amounting to gross negligence, by him in
- 6 rendering the emergency care or assistance or as a result of any act or
- 7 failure to act, not amounting to gross negligence, to provide or arrange for
- 8 further medical treatment for the injured person.

1 2. Any person in this state who acts as a driver of an ambulance or
2 attendant on an ambulance operated by a volunteer service or as a
3 volunteer driver or attendant on an ambulance operated by a political
4 subdivision of this state, or owned by the Federal Government and
5 operated by a contractor of the Federal Government, and who in good faith
6 renders emergency care or assistance to any injured or ill person, whether
7 at the scene of an emergency or while transporting an injured or ill person
8 to or from any clinic, doctor's office or other medical facility, is not liable
9 for any civil damages as a result of any act or omission, not amounting to
10 gross negligence, by him in rendering the emergency care or assistance, or
11 as a result of any act or failure to act, not amounting to gross negligence, to
12 provide or arrange for further medical treatment for the injured or ill
13 person.

14 3. Any appointed member of a volunteer service operating an
15 ambulance or an appointed volunteer serving on an ambulance operated by
16 a political subdivision of this state, other than a driver or attendant, of an
17 ambulance, is not liable for any civil damages as a result of any act or
18 omission, not amounting to gross negligence, by him whenever he is
19 performing his duties in good faith.

20 4. Any person who is a member of a search and rescue organization in
21 this state under the direct supervision of any county sheriff who in good
22 faith renders care or assistance in an emergency to any injured or ill
23 person, whether at the scene of an emergency or while transporting an
24 injured or ill person to or from any clinic, doctor's office or other medical
25 facility, is not liable for any civil damages as a result of any act or
26 omission, not amounting to gross negligence, by him in rendering the
27 emergency care or assistance, or as a result of any act or failure to act, not
28 amounting to gross negligence, to provide or arrange for further medical
29 treatment for the injured or ill person.

30 5. Any person who is employed by or serves as a volunteer for a
31 public fire-fighting agency and who is authorized pursuant to chapter 450B
32 of NRS to render emergency medical care at the scene of an emergency is
33 not liable for any civil damages as a result of any act or omission, not
34 amounting to gross negligence, by that person in rendering that care or as a
35 result of any act or failure to act, not amounting to gross negligence, to
36 provide or arrange for further medical treatment for the injured or ill
37 person.

38 6. Any person who:

39 (a) Has successfully completed a course in cardiopulmonary
40 resuscitation according to the guidelines of the American National Red
41 Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency, and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school, shall be presumed to have acted other than in the course of his regular employment or profession.

8. Any person who ~~has~~ :

~~(a) Has~~ successfully completed ~~the training requirements of a course in basic emergency care of a person in cardiac arrest that:~~

~~—(a) Included training~~ *a course in cardiopulmonary resuscitation and training* in the operation and use of an ~~automatic~~ *automated* external defibrillator ~~;~~ *and*

~~—(b) Was~~ *that were* conducted in accordance with the standards of the American Heart Association ~~;~~ *and who* *or the American National Red Cross; and*

~~(b) Gratuitously and in good faith~~ renders emergency medical care involving the use of an ~~automatic~~ *automated* external defibrillator *at the scene of an emergency* in accordance with his training , is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence ~~;~~ *or willful or wanton misconduct*, by that person in rendering that care.

9. A ~~business or organization that employs~~ *person or governmental entity that provided the requisite training set forth in subsection 8 to* a person who renders emergency care in accordance with ~~this~~ subsection 8 is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence ~~;~~ *or willful or wanton misconduct*, by the person rendering such care . ~~or~~

1 **10. A business or organization that has placed an automated**
2 **external defibrillator for use on its premises and the participating**
3 **physician described in this subsection are not liable for any civil damages**
4 **as a result of any act or omission, not amounting to gross negligence or**
5 **willful or wanton misconduct, by the person rendering such care or** for
6 providing the ~~automatic~~ **automated** external defibrillator to the person for
7 the purpose of rendering such care ~~or~~ **if the business or organization:**

8 **(a) Complies with all current federal and state regulations governing**
9 **the use and placement of an automated external defibrillator;**

10 **(b) Ensures that only a person who has at least the qualifications set**
11 **forth in subsection 8 uses the automated external defibrillator to provide**
12 **care;**

13 **(c) Ensures that the automated external defibrillator is maintained**
14 **and tested according to the operational guidelines established by the**
15 **manufacturer; and**

16 **(d) Establishes and maintains a program to ensure compliance with**
17 **current regulations, requirements for training, requirements for**
18 **notification of emergency medical assistance and guidelines for the**
19 **maintenance of the equipment that involves the regular participation of a**
20 **physician licensed in this state.**

21 **Sec. 2.** NRS 41.505 is hereby amended to read as follows:

22 41.505 1. Any physician , ~~or~~ registered nurse **or licensed practical**
23 **nurse** who in good faith gives instruction or provides supervision to an
24 emergency medical attendant , ~~or to a~~ registered nurse ~~or~~ **or licensed**
25 **practical nurse**, at the scene of an emergency or while transporting an ill
26 or injured person from the scene of an emergency, is not liable for any
27 civil damages as a result of any act or omission, not amounting to gross
28 negligence, in giving that instruction or providing that supervision. An
29 emergency medical attendant , ~~or~~ registered nurse **or licensed practical**
30 **nurse** who obeys an instruction given by a physician , ~~or~~ registered nurse
31 **or licensed practical nurse** and thereby renders emergency care, at the
32 scene of an emergency or while transporting an ill or injured person from
33 the scene of an emergency, is not liable for any civil damages as a result of
34 any act or omission, not amounting to gross negligence, in rendering that
35 emergency care.

36 2. Except as otherwise provided in subsection 3, any person licensed
37 under the provisions of chapter 630, 632 or 633 of NRS ~~or~~ **and any person**
38 **who holds an equivalent license issued by another state**, who renders
39 emergency care or assistance in an emergency, gratuitously and in good
40 faith, is not liable for any civil damages as a result of any act or omission,
41 not amounting to gross negligence, by him in rendering the emergency
42 care or assistance or as a result of any failure to act, not amounting to gross

1 negligence, to provide or arrange for further medical treatment for the
2 injured or ill person. This section does not excuse a physician or nurse
3 from liability for damages resulting from his acts or omissions which occur
4 in a licensed medical facility relative to any person with whom there is a
5 preexisting relationship as a patient.

6 3. Any person licensed under the provisions of chapter 630, 632 or
7 633 of NRS *and any person who holds an equivalent license issued by*
8 *another state* who renders emergency obstetrical care or assistance to a
9 pregnant woman during labor or the delivery of the child is not liable for
10 any civil damages as a result of any act or omission by him in rendering
11 that care or assistance if:

12 (a) The care or assistance is rendered in good faith and in a manner not
13 amounting to gross negligence or reckless, willful or wanton conduct;

14 (b) The person has not previously provided prenatal or obstetrical care
15 to the woman; and

16 (c) The damages are reasonably related to or primarily caused by a lack
17 of prenatal care received by the woman.

18 A licensed medical facility in which such care or assistance is rendered is
19 not liable for any civil damages as a result of any act or omission by the
20 person in rendering that care or assistance if that person is not liable for
21 any civil damages pursuant to this subsection and the actions of the
22 medical facility relating to the rendering of that care or assistance do not
23 amount to gross negligence or reckless, willful or wanton conduct.

24 4. Any person licensed under the provisions of chapter 630, 632 or
25 633 of NRS *and any person who holds an equivalent license issued by*
26 *another state* who:

27 (a) Is retired or otherwise does not practice on a full-time basis; and

28 (b) Gratuitously and in good faith, renders medical care within the
29 scope of his license to an indigent person,
30 is not liable for any civil damages as a result of any act or omission by
31 him, not amounting to gross negligence or reckless, willful or wanton
32 conduct, in rendering that care.

33 5. As used in this section, "emergency medical attendant" means a
34 person licensed as an attendant or certified as an emergency medical
35 technician, intermediate emergency medical technician or advanced
36 emergency medical technician pursuant to chapter 450B of NRS.

37 **Sec. 3.** NRS 618.384 is hereby amended to read as follows:

38 618.384 The administrator shall encourage all employers who are
39 required to establish a written safety program pursuant to NRS 618.383 to
40 include as a part of that program the employment of a person who has
41 successfully completed the training requirements of a course in basic
42 emergency care of a person in cardiac arrest that:

- 1 1. Included training in the operation and use of an ~~automatic~~
- 2 *automated* external defibrillator; and
- 3 2. Was conducted in accordance with the standards of the American
- 4 Heart Association ~~H~~ *or the American National Red Cross.*

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