

ASSEMBLY BILL NO. 4—ASSEMBLYMAN MABEY

PREFILED DECEMBER 12, 2006

Referred to Committee on Judiciary

SUMMARY—Revises provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render certain emergency care. (BDR 3-450)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 civil actions; revising certain provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render emergency obstetrical care or assistance under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, certain medical professionals who provide emergency
- 2 obstetrical care or assistance to a pregnant woman during the birth of a child and
- 3 the medical facilities in which such care or assistance is rendered are immune from
- 4 civil liability for damages caused by the care or assistance if certain conditions are
- 5 satisfied. One of the required conditions is that the damages must be reasonably
- 6 related to or primarily caused by a lack of prenatal care received by the woman.
- 7 (NRS 41.505) This bill eliminates that condition as a requirement to obtaining
- 8 immunity from civil liability.

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

- 1 **Section 1.** NRS 41.505 is hereby amended to read as follows:
- 2 41.505 1. Any physician or registered nurse who in good
- 3 faith gives instruction or provides supervision to an emergency



1 medical attendant or registered nurse, at the scene of an emergency
2 or while transporting an ill or injured person from the scene of an
3 emergency, is not liable for any civil damages as a result of any act
4 or omission, not amounting to gross negligence, in giving that
5 instruction or providing that supervision. An emergency medical
6 attendant, registered nurse or licensed practical nurse who obeys an
7 instruction given by a physician, registered nurse or licensed
8 practical nurse and thereby renders emergency care, at the scene of
9 an emergency or while transporting an ill or injured person from the
10 scene of an emergency, is not liable for any civil damages as a result
11 of any act or omission, not amounting to gross negligence, in
12 rendering that emergency care.

13 2. Except as otherwise provided in subsection 3, any person
14 licensed under the provisions of chapter 630, 632 or 633 of NRS and
15 any person who holds an equivalent license issued by another state,
16 who renders emergency care or assistance in an emergency,
17 gratuitously and in good faith, is not liable for any civil damages as
18 a result of any act or omission, not amounting to gross negligence,
19 by him in rendering the emergency care or assistance or as a result
20 of any failure to act, not amounting to gross negligence, to provide
21 or arrange for further medical treatment for the injured or ill person.
22 This section does not excuse a physician or nurse from liability for
23 damages resulting from his acts or omissions which occur in a
24 licensed medical facility relative to any person with whom there is a
25 preexisting relationship as a patient.

26 3. Any person licensed under the provisions of chapter 630,
27 632 or 633 of NRS and any person who holds an equivalent license
28 issued by another state who renders emergency obstetrical care or
29 assistance to a pregnant woman during labor or the delivery of the
30 child is not liable for any civil damages as a result of any act or
31 omission by him in rendering that care or assistance if:

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

35 (b) The person has not previously provided prenatal or
36 obstetrical care to the woman . ~~}; and~~

37 ~~—(c) The damages are reasonably related to or primarily caused~~
38 ~~by a lack of prenatal care received by the woman.]~~

39 ➔ A licensed medical facility in which such care or assistance is
40 rendered is not liable for any civil damages as a result of any act or
41 omission by the person in rendering that care or assistance if that
42 person is not liable for any civil damages pursuant to this subsection
43 and the actions of the medical facility relating to the rendering of
44 that care or assistance do not amount to gross negligence or
45 reckless, willful or wanton conduct.



1 4. Any person licensed under the provisions of chapter 630,
2 632 or 633 of NRS and any person who holds an equivalent license
3 issued by another state who:

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

6 (b) Gratuitously and in good faith, renders medical care within
7 the scope of his license to an indigent person,

8 ➔ is not liable for any civil damages as a result of any act or
9 omission by him, not amounting to gross negligence or reckless,
10 willful or wanton conduct, in rendering that care.

11 5. Any person licensed to practice medicine under the
12 provisions of chapter 630 or 633 of NRS or licensed to practice
13 dentistry under the provisions of chapter 631 of NRS who renders
14 care or assistance to a patient for a governmental entity or a
15 nonprofit organization is not liable for any civil damages as a result
16 of any act or omission by him in rendering that care or assistance if
17 the care or assistance is rendered gratuitously, in good faith and in a
18 manner not amounting to gross negligence or reckless, willful or
19 wanton conduct.

20 6. As used in this section:

21 (a) "Emergency medical attendant" means a person licensed as
22 an attendant or certified as an emergency medical technician,
23 intermediate emergency medical technician or advanced emergency
24 medical technician pursuant to chapter 450B of NRS.

25 (b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

