

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 858

Short Title: Clarify Good Samaritan Act.

(Public)

Sponsors: Representatives Nye; Bowman and Warner.

Referred to: Judiciary I.

April 17, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY CERTAIN UNCOMPENSATED EMERGENCY TREATMENT BY A PHYSICIAN UNDER THE GOOD SAMARITAN STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-21.14(b) reads as rewritten:

"(b) Nothing in this section shall be deemed or construed to relieve any person from liability for damages for injury or death caused by an act or omission on the part of such person while rendering health care services in the normal and ordinary course of his business or profession. Services provided by a volunteer health care provider who receives no compensation for his services and who renders first aid or emergency treatment to members of athletic teams are deemed not to be in the normal and ordinary course of the volunteer health care provider's business or profession. Services provided by a medical or health care provider who receives no compensation for his services and who voluntarily renders treatment at facilities of local health departments as defined in G.S. 130A-2 or at a non-profit community health center, are deemed not to be in the normal and ordinary course of the volunteer medical or health care provider's business or profession. First aid or emergency health care treatment rendered in an inpatient facility by a physician who is licensed to practice medicine in this State, who receives no compensation for such treatment, and who does not have a physician-patient relationship with the patient receiving such treatment, is deemed not to be in the normal and ordinary course of the physician's business or profession when the physician is not on emergency call or otherwise contractually obligated by a preexisting duty to treat the patient."

1       (c)     In the event of any conflict between the provisions of this section and those of  
2 G.S. 20-166(d), the provisions of G.S. 20-166(d) shall control and continue in full force  
3 and effect."

4               Sec. 2. This act becomes effective October 1, 1991, and applies to health care  
5 services provided and to actions filed on or after that date.