

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1070, L.D. 1453)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2519

H.P. 1841 House of Representatives, March 14, 1988
Reported by Representative MacBRIDE from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative GREENLAW of
Standish. Cosponsored by Senator DILLENBACK of Cumberland,
Representatives DEXTER of Kingfield and CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Provide Immunity from Civil Liability for**
2 **Certain Emergency Medical Service System**
3 **Participants.**
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 **Sec. 1. 32 MRSA §83, sub-§§14-A and 18-A are**
8 enacted to read:

1 14-A. Health care practitioner. "Health care
2 practitioner" has the meaning set forth in Title 24,
3 section 2502, subsection 1-A.

4 18-A. Physician. "Physician" has the meaning set
5 forth in Title 24, section 2502, subsection 3.

6 **Sec. 2. 32 MRSA §93-A is enacted to read;**

7 §93-A. Immunity for supervision and training

8 1. Emergency medical treatment supervision. No
9 physician functioning within the medical control
10 system established by the regional medical director
11 and practicing in a hospital to or from which patients
12 are transported under section 86 or health care
13 practitioner under such a physician's supervision who
14 gives oral or written instructions to a basic
15 emergency medical services person or an advanced
16 emergency medical technician for the provision of
17 emergency medical treatment outside the hospital may
18 be civilly liable for negligence as a result of
19 issuing the instructions, if the instructions were in
20 accordance with the protocol for the patient's
21 reported condition. For the purpose of aiding in
22 establishing the use of a protocol that will permit
23 the immunity provided in this subsection:

24 A. The basic emergency medical services person or
25 advanced emergency medical technician to whom the
26 instructions are given shall document those
27 instructions on the state ambulance run record; and

28 B. The physician or health care practitioner
29 giving the instructions shall maintain a medical
30 control log documenting those instructions at the
31 time they were given and shall sign the log.

32 The immunity provided in this subsection extends to
33 the hospital in which the physician described in the
34 this subsection is practicing or the health care
35 practitioner described in this subsection is being
36 supervised.

