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

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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

AN	ACT	to	Provide	Immunity	from	Civil	Liability	for	
Certain Emergency Medical Service System									
Participants.									

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

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

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1	14-A. Health care practitioner. "Health care practitioner" has the meaning set forth in Title 24,
2	practitioner" has the meaning set forth in Title 24,
3	section 2502, subsection 1-A.
	Control of the Contro
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
,	y A. Indidn't Cy Tot Supervision and Craining
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 eval or division instructions to a begin
15	emergency medical services person or an advanced
16	emergency medical services person or an advanced emergency medical technician for the provision of emergency medical treatment outside the hospital may be civilly liable for negligence as a result of issuing the instructions, if the instructions were in accordance with the protocol for the patient's
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	accordance with the protocol for the patient's reported condition. For the purpose of aiding in establishing the use of a protocol that will permit
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 are given shall document those instructions on the state ambulance run record; and
28	B. The physician or health care practitioner
29	B. The physician or health care practitioner giving the instructions shall maintain a medical

giving the instructions shall maintain a medical control log documenting those instructions at the 30 time they were given and shall sign the log. 31 The immunity provided in this subsection extends to the hospital in which the physician described in the 32 33 this subsection is practicing or 34 the health care

practitioner described in this subsection is 36 supervised.

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being

1	Emergency medical services persons' training
2	Except as otherwise provided in this subsection, no
3	hospital, physician or health care practitione
4	providing an emergency medical services course
5 6	refresher course or continuing education course
6	approved by the Office of Emergency Medical Service:
7	may be vicariously liable for the civil liability of a
8	person enrolled in the course to a person receiving
9	emergency medical treatment during the course.
10	The immunity provided by this subsection does not
11	The immunity provided by this subsection does not apply if the person enrolled in the course is a
12	employee of the hospital, physician or health care
13	employee of the hospital, physician or health care practitioner seeking immunity under this subsection.
14 15 16	Sec. 3. Application. This Act applies to causes of action that accrue on or after the effective date of this Act.
17	STATEMENT OF FACT
18 19 20	This new draft provides limited immunity from civil liability to hospitals, physicians and health care practitioners in 2 situations.
21 22 23 24 25 26	l. Immunity from civil liability for negligence in the providing of instructions to an emergency medical services person transporting a patient applies only if the instructions are in accordance with established protocol. The instructions given are to be documented.
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The new draft also adds an application section.

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