

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 899

S.P. 338

In Senate, March 22, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

Joy J. O'Brien

JOY J. O'BRIEN
Secretary of the Senate

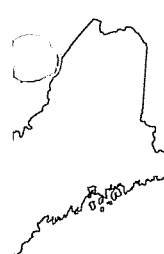
Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative WALKER of Norway and Representative JACKSON of Harrison.

STATE OF MAINE

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

An Act to Improve the Availability of Emergency Medical Services.



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

3 22 MRSA §1714 is enacted to read:

5 §1714. Emergency medical services; immunity

7 1. Definitions. As used in this section, unless the
9 context indicates otherwise, the following terms have the
11 following meanings.

13 A. "Emergency room" means that portion of a hospital
15 utilized for the provision of ambulatory, acute medical services
17 requiring immediate medical intervention.

19 B. "Hospital" means any acute care institution required to
21 be licensed pursuant to chapter 405 or its successor.

23 C. "Physician" means any allopathic or osteopathic
25 physician licensed pursuant to Title 32.

27 2. Immunity. Any hospital, hospital employee or physician
29 who provides emergency room medical care may not be held liable
31 for damages resulting from such medical treatment unless the
33 circumstances demonstrate a reckless disregard for the life or
35 health of the patient.

37

STATEMENT OF FACT

This bill improves the availability of emergency room service by providing that hospitals, hospital employees or physicians providing emergency services in an emergency room setting are not liable for damages resulting from such medical treatment unless the treatment was rendered with a reckless disregard for the life or health of the patient. This bill is similar to a law enacted in Florida in 1988.