

By: Senator(s) White

To: Judiciary, Division A

SENATE BILL NO. 2004

1 AN ACT TO PROVIDE GOOD-FAITH IMMUNITY TO CERTAIN EMERGENCY
2 MEDICAL SERVICE PROVIDERS; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** (1) Emergency medical service personnel, public
5 or private, who provide emergency or nonemergency services to a
6 patient outside a hospital, in a hospital before transferring
7 patient care to hospital personnel, or in a clinical setting,
8 with or without compensation which services are consistent with
9 the individual's licensure, certification or training, shall not
10 be liable in a civil action for any act or omission resulting in
11 injury, death or loss to person or property unless the act or
12 omission, including bypassing of nearby hospitals or medical
13 facilities, is the result of gross negligence or willful
14 misconduct which is the proximate cause of the injury, death or
15 loss to person or property. The immunity extended under this act
16 shall apply to all of the following:

- 17 (a) First responders;
- 18 (b) Medical first responders;
- 19 (c) Emergency medical services drivers;
- 20 (d) Wheelchair van drivers;
- 21 (e) Emergency medical technicians, whether basic,
22 intermediate or paramedic;
- 23 (f) Registered nurses employed by a licensed ambulance
24 service;
- 25 (g) Authorizing physicians or physician's designees;
- 26 (h) Medical directors, medical control authorities and
27 any employee of the medical director or medical control authority;

28 (i) Life support agencies, ambulance companies or an
29 officer, member of the staff or other employee of a life support
30 agency or ambulance company;

31 (j) Dispatchers, telecommunications operators or
32 persons providing communications services or lawfully operating or
33 utilizing supportive electronic communications devices as a part
34 of the emergency medical service;

35 (k) Education program medical directors, education
36 instructors, coordinators or education program sponsors, including
37 any life-support agency, hospital or other entity providing the
38 clinical setting for an education program;

39 (l) Student or clinical observers of an approved
40 education program who are participating in an education
41 program-approved clinical setting; and

42 (m) Persons and agencies participating in the
43 development and implementation of protocols or standing operating
44 procedures.

45 (2) For the purposes of this section, the following terms
46 shall have the meanings ascribed to them unless the context
47 clearly requires otherwise:

48 (a) "Gross negligence" means conduct so reckless as to
49 demonstrate a substantial lack of concern for whether an injury
50 results.

51 (b) "Willful misconduct" means intent to harm.

52 (3) The immunity granted under this section applies to all
53 services provided to a patient by the agencies, individuals and
54 entities identified, including, without limitation, the treatment,
55 transfer and transport of a patient, whether emergency or
56 nonemergency, and the use of an automated external defibrillator
57 on an individual who is exhibiting symptoms consistent with
58 cardiac distress.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2007.