

Good Samaritan Law: Medical Professional in Hospital

MCLS 691.1502

A medical professional, who does not have a duty to act in response to an emergency situation in a hospital or medical facility and, in good faith, responds to a request for aid, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section does not apply if the medical professional has a professional-patient relationship or if the medical professional acts outside their scope of license.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

Emergency care; exemption of certain persons from civil liability; exception; staffing hospital emergency facilities

(1) If the individual's actual hospital duty does not require a response to the emergency situation, a physician, physician's assistant, dentist, podiatrist, intern, resident, registered professional nurse, licensed practical nurse, physical therapist, clinical laboratory technologist, inhalation therapist, certified registered nurse anesthetist, x-ray technician, or licensed EMS provider who in good faith responds to a life threatening emergency or responds to a request for emergency assistance in a life threatening emergency in a hospital or other licensed medical care facility is not liable for civil damages as a result of an act or omission in the rendering of emergency care, except an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) The exemption from liability under subsection (1) does not apply to a physician if a physician-patient relationship, to a physician's assistant if a physician's assistant-patient relationship, or to a licensed nurse if a nurse-patient relationship existed before the emergency.

(3) The exemption from liability under subsection (1) does not apply to a physician's assistant unless the response by the physician's assistant is within the scope of the license held by the physician's assistant or within the expertise or training of the physician's assistant.

(4) This act does not diminish a hospital's responsibility to reasonably and adequately staff hospital emergency facilities if the hospital maintains or holds out to the general public that it maintains emergency room facilities.