

Liability: Physician Assistant and Supervising Physician

37-20-410, MCA (3)-(4)

When an emergency declaration is in effect, a physician assistant, who voluntarily and without compensation provides care, or a physician, who supervises a physician assistant, will not be held legally responsible for acting or failing to act.

Participation in disaster and emergency care - liability of physician assistant and supervising physician

(3) A physician assistant referred to in subsection (1) who voluntarily, gratuitously, and other than in the ordinary course of employment or practice renders emergency medical care during an emergency or disaster described in subsection (1) is not liable for civil damages for a personal injury resulting from an act or omission in providing that care if the injury is caused by simple or ordinary negligence and if the care is provided somewhere other than in a health care facility as defined in 50-5-101 or a physician's office where those services are normally provided.

(4) A physician who supervises a physician assistant voluntarily and gratuitously providing emergency care at an emergency or disaster described in subsection (1) is not liable for civil damages for a personal injury resulting from an act or omission in supervising the physician assistant if the injury is caused by simple or ordinary negligence on the part of the physician assistant providing the care or on the part of the supervising physician.