

Bill No. CS for SB 1264

Amendment No. Barcode 552302

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 6, between lines 4 and 5,

insert:

Section 3. Paragraphs (a) and (b) of subsection (2) of section 768.13, Florida Statutes, are amended to read:

768.13 Good Samaritan Act; immunity from civil liability.--

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency declared pursuant to s. 381.00315, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to

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1 act in providing or arranging further medical treatment where
2 the person acts as an ordinary reasonably prudent person would
3 have acted under the same or similar circumstances.

4 (b)1. Any hospital licensed under chapter 395, any
5 employee of such hospital working in a clinical area within
6 the facility and providing patient care, and any person
7 licensed to practice medicine who in good faith renders
8 medical care or treatment necessitated by a sudden, unexpected
9 situation or occurrence resulting in a serious medical
10 condition demanding immediate medical attention, for which the
11 patient enters the hospital through its emergency room or
12 trauma center, or necessitated by a public health emergency
13 declared pursuant to s. 381.00315 shall not be held liable for
14 any civil damages as a result of such medical care or
15 treatment unless such damages result from providing, or
16 failing to provide, medical care or treatment under
17 circumstances demonstrating a reckless disregard for the
18 consequences so as to affect the life or health of another.

19 2. The immunity provided by this paragraph does not
20 apply to damages as a result of any act or omission of
21 providing medical care or treatment:

22 a. Which occurs after the patient is stabilized and is
23 capable of receiving medical treatment as a nonemergency
24 patient, unless surgery is required as a result of the
25 emergency within a reasonable time after the patient is
26 stabilized, in which case the immunity provided by this
27 paragraph applies to any act or omission of providing medical
28 care or treatment which occurs prior to the stabilization of
29 the patient following the surgery; or

30 b. Unrelated to the original medical emergency.

31 3. For purposes of this paragraph, "reckless

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1 disregard" as it applies to a given health care provider
2 rendering emergency medical services shall be such conduct
3 which a health care provider knew or should have known, at the
4 time such services were rendered, would be likely to result in
5 injury so as to affect the life or health of another, taking
6 into account the following to the extent they may be present;

7 a. The extent or serious nature of the circumstances
8 prevailing.

9 b. The lack of time or ability to obtain appropriate
10 consultation.

11 c. The lack of a prior patient-physician relationship.

12 d. The inability to obtain an appropriate medical
13 history of the patient.

14 e. The time constraints imposed by coexisting
15 emergencies.

16 4. Every emergency care facility granted immunity
17 under this paragraph shall accept and treat all emergency care
18 patients within the operational capacity of such facility
19 without regard to ability to pay, including patients
20 transferred from another emergency care facility or other
21 health care provider pursuant to Pub. L. No. 99-272, s. 9121.
22 The failure of an emergency care facility to comply with this
23 subparagraph constitutes grounds for the department to
24 initiate disciplinary action against the facility pursuant to
25 chapter 395.

26
27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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On page 1, line 27, after the semicolon
insert:
amending s. 768.13, F.S.; providing immunity
from civil damages under the Good Samaritan Act
for actions taken in response to situations
during a declared public health emergency;
revising the circumstances under which immunity
from civil damages is extended to actions taken
by persons licensed to practice medicine;