

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1172
Second Edition Engrossed 5/6/93

Short Title: Health Care Samaritans.

(Public)

Sponsors: Representatives Green, C. Wilson (Co-sponsor); and H. Hunter.

Referred to: Judiciary II.

April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE QUALIFIED TORT LIABILITY PROTECTION FOR
2 HEALTH CARE PERSONNEL TO INCLUDE MEDICAL SERVICES
3 RENDERED BY HEALTH CARE PERSONNEL WITHOUT COMPENSATION
4 AT THEIR PLACE OF EMPLOYMENT TO INDIGENT PATIENTS.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90-21.14(a1) reads as rewritten:

8 "(a1) ~~Any~~(1) Any volunteer medical or health care provider at a facility of
9 a local health department or at a nonprofit community health
10 ~~center-center; and~~

11 (2) Any medical or health care provider rendering services to indigent
12 patients referred by a local health department as defined in G.S. 130A-
13 2(5) or nonprofit community health center at the provider's place of
14 employment.

15 who receives no compensation for medical services rendered at the facility or center or,
16 who charges no fee for medical services rendered to indigent patients referred by a local
17 health department or nonprofit community health center at the provider's place of
18 employment shall not be liable for damages for injuries or death alleged to have
19 occurred by reason of an act or omission in the rendering of the services unless it is
20 established that the injuries or death were caused by gross negligence, wanton conduct,
21 or intentional wrongdoing on the part of the person rendering the services. The local
22 health department facility or nonprofit community health center shall use due care in the
23 selection of volunteer medical or health care providers, and this subsection shall not

1 excuse the health department facility or community health center for the failure of the
2 volunteer medical or health care provider to use ordinary care in the provision of
3 medical services to its patients."

4 Sec. 2. This act is effective upon ratification.