

April 18, 2007

**H 1722. LIMIT LIABILITY FOR EMERGENCY ROOM CARE.** Filed 4/18/07. *TO PROVIDE THE PUBLIC GREATER ACCESS TO EMERGENCY MEDICAL CARE BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by England.**

GS 90

April 19, 2007

**H 1722. LIMIT LIABILITY FOR EMERGENCY ROOM CARE.** Filed 4/18/07. *TO PROVIDE THE PUBLIC GREATER ACCESS TO EMERGENCY MEDICAL CARE BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE.*

Enacts new GS 90-21.19 to provide that in actions arising from the provision of emergency medical care (as defined in the proposed new statute) that proximately results in injury or death, a health care provider's liability is limited to cases in which the claimant proves by a preponderance of the evidence that the provider, with willful and wanton negligence, deviated from the degree of care and skill that is reasonably expected of a reasonable, prudent health care provider in the same or similar circumstances. Defines *willful and wanton negligence* as "the conscious and intentional disregard of, and indifference to, the rights and safety of others, which the emergency medical care provider knows, or should know, is reasonably likely to result in the injury to, or death of, the claimant." Includes gross negligence in the definition of willful and wanton negligence. Effective October 1, 2007, and applies to claims filed on or after that date.

**Intro. by England.**

GS 90