

March 24, 2009

S 821. LIMIT LIABILITY FOR EMERGENCY ROOM CARE. Filed 3/24/09. *TO PROVIDE THE PUBLIC GREATER ACCESS TO EMERGENCY MEDICAL CARE BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE.*

Adds GS 90-21.19 to provide that a claimant in a health care liability claim against a health care provider, to prove that the provider deviated from accepted standards of medical care or statutory or regulatory requirements, must show by a preponderance of the evidence that the health care provider willfully and with wanton negligence deviated from the degree of care and skill that would be reasonably expected of a reasonable and prudent health care provider in the same or similar circumstances. Defines *health care liability claim* as a cause of action against a health care provider arising out of the provision of emergency medical care that proximately causes injury or death. Defines *emergency medical care* as any medical services provided to determine whether an emergency exists and any medical emergency services provided after the sudden onset of a medical or traumatic condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in the person's health being placed in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. 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 injury or death to the claimant.

Effective October 1, 2009, and applies to health care liability claims that are filed on or after that date.

Intro. by Brunstetter.

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