

HOUSE BILL No. 1057

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-31-6; IC 34-30-2-68.

Synopsis: EMS immunity. Adds: (1) certified emergency medical responders; (2) certified advanced emergency medical technicians; and (3) licensed paramedics; to certain statutes concerning negligence and emergency medical services. Provides that a certified emergency medical technician who provides certain emergency medical services (EMS) to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes gross negligence or willful misconduct. Provides that a certified emergency medical responder who uses an automatic or a semiautomatic defibrillator on an emergency patient according to certain procedures is immune from civil liability for acts or omissions when rendering those services unless the act or omission constitutes gross negligence or willful misconduct. Provides that an act or omission of a licensed paramedic or a certified advanced emergency medical technician done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or advanced emergency medical technician, the authorizing physician, the hospital, or the officers, members of the staff, nurses, other employees of the hospital, or the local governmental unit unless the act or omission constitutes gross negligence or willful misconduct.

Effective: July 1, 2021.

Torr

January 4, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-31-6-1, AS AMENDED BY P.L.113-2020,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1. (a) A **certified emergency medical responder**,
4 **a certified emergency medical technician, a certified advanced**
5 **emergency medical technician, or a licensed paramedic** who
6 provides emergency medical services to an emergency patient is not
7 liable for an act or omission in providing those services unless the act
8 or omission constitutes **gross** negligence or willful misconduct. If the
9 **certified** emergency medical ~~technician~~ **services provider** is not liable
10 for an act or omission, no other person incurs liability by reason of an
11 agency relationship with the **certified** emergency medical ~~technician~~
12 **services provider**.

13 (b) This section does not affect the liability of a driver of an
14 ambulance for negligent operation of the ambulance.

15 (c) Except as provided in subsections (a) and (b), a certified
16 emergency medical technician, **a certified advanced emergency**
17 **medical technician**, or a licensed paramedic who provides emergency



1 medical services is not liable for transporting any person to an
 2 appropriate health care facility when the **certified** emergency medical
 3 technician, **the certified advanced emergency medical technician**, or
 4 the licensed paramedic makes a good faith judgment that the
 5 emergency patient or the emergency patient's primary caregiver lacks
 6 the capacity to make an informed decision about the patient's:

7 (1) safety; or

8 (2) need for medical attention;

9 and the emergency patient is reasonably likely to suffer disability or
 10 death without the medical intervention available at the facility.

11 SECTION 2. IC 16-31-6-2, AS AMENDED BY P.L.77-2012,
 12 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 2. (a) Except for an act of **gross** negligence or
 14 willful misconduct, a certified emergency medical responder who uses
 15 an automatic or semiautomatic defibrillator on an emergency patient
 16 according to the training procedures established by the commission
 17 under IC 16-31-2-9 is immune from civil liability for acts or omissions
 18 when rendering those services.

19 (b) If the emergency medical responder is immune from civil
 20 liability for the emergency medical responder's act or omission, a
 21 person who has only an agency relationship with the emergency
 22 medical responder is also immune from civil liability for the act or
 23 omission.

24 SECTION 3. IC 16-31-6-3, AS AMENDED BY P.L.77-2012,
 25 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 3. An act or omission of a paramedic or an
 27 advanced emergency medical technician done or omitted in good faith
 28 while providing advanced life support to a patient or trauma victim
 29 does not impose liability upon the paramedic or advanced emergency
 30 medical technician, the authorizing physician, the hospital, or the
 31 officers, members of the staff, nurses, or other employees of the
 32 hospital or the local governmental unit if the advanced life support is
 33 provided:

34 (1) in connection with an emergency;

35 (2) in good faith; and

36 (3) under the written or oral direction of a licensed physician;

37 unless the act or omission was a result of **gross** negligence or willful
 38 misconduct.

39 SECTION 4. IC 34-30-2-68, AS AMENDED BY P.L.113-2020,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 68. IC 16-31-6-1 (Concerning ~~ambulance~~
 42 ~~attendants and~~ certified emergency medical ~~technicians who render~~



1 emergency ambulance services and certified emergency medical
2 technicians or licensed paramedics who provide emergency medical
3 services **providers**).

