

## **EMERGENCY MEDICAL SERVICES**

### **What types of non-physician emergency service medical personnel are authorized to provide emergency medical care in Washington?**

The following types of non-physician emergency medical service personnel can be certified by the state to provide emergency medical care under the responsible supervision and control of licensed physicians or approved emergency medical services medical program directors:

- First responders.<sup>1</sup>
- Emergency medical technicians.<sup>2</sup>
- Physician-trained emergency medical service intermediate life support technicians and paramedics.<sup>3</sup> which includes:

Statutes and regulations set forth detailed training, certification, and continuing medical education requirements for such non-physician emergency medical service personnel.<sup>4</sup>

### **To what extent may a physician be held liable for acts or omissions of trained mobile emergency medical service personnel under the physician's supervision and control?**

The general rule is that no act or omission of any physician's trained emergency medical service intermediate life support technician and paramedic, or of any emergency medical technician or first responder, made in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director, will impose liability on:

- Such emergency medical service personnel.
- The medical program director.
- The supervising physician or physicians.
- Any hospital or its officers, members of the staff, nurses, or other employees.
- Any training agency or training physician or physicians.
- Any licensed ambulance service.

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<sup>1</sup> See RCW 18.73.030(13); RCW 18.73.081.

<sup>2</sup> See RCW 18.73.030(12); RCW 18.73.081

<sup>3</sup> See RCW 18.71.200.

<sup>4</sup> See generally RCW 18.71; RCW 18.73; WAC 246-976.

- Any federal, state, county, city, or other local governmental unit or its employees.<sup>5</sup>

The general rule applies to acts or omissions made in good faith in the performance of actual emergency medical procedures, or in rendering services at the request of an approved medical program director in the training of emergency service medical personnel for certification or recertification. It does not apply, however, to:

- The commission or omission of an act not within the field of medical expertise of the particular emergency service personnel.
- Any act or omission that constitutes either gross negligence or willful or wanton misconduct.<sup>6</sup>

**May a physician be held liable for failing to obtain consent to the rendering of emergency medical or surgical or health services?**

Generally, no. A physician is not subject to civil liability for failure to obtain consent in rendering emergency medical or surgical services where the patient is unable to give consent for any reason and no other person legally authorized to provide consent is reasonably available, so long as the physician has acted in good faith and without knowledge of facts negating consent.<sup>7</sup>

**Under what circumstances will the Department of Health defend and hold harmless those involved in training emergency service medical personnel for certification and recertification?**

The Department of Health will defend and hold harmless approved medical program directors, delegates, or agents—including, but not limited to, hospitals and hospital personnel—in their capacity of training emergency service medical personnel for certification or recertification at the request of such directors for any act or omission made in good faith in the performance of their duties.<sup>8</sup>

**May a physician be held liable for voluntarily providing emergency medical services?**

Generally, no. See **GOOD SAMARITAN LAW** regarding liability for emergency services rendered without compensation.

**May retired physicians provide medical assistance during an emergency or a disaster?**

Yes. The Washington State Department of Health (DOH) may issue a retired volunteer medical worker license to any person that:

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<sup>5</sup> RCW 18.71.210.

<sup>6</sup> RCW 18.71.210.

<sup>7</sup> RCW 18.71.220.

<sup>8</sup> RCW 18.71.215.

- Held an active health care license within 10 years prior to his or her initial application for the retired volunteer medical worker license;
- Does not hold a current health care license, but does not have any restrictions on his or her ability to obtain an active license; and
- Registers as a volunteer emergency worker with a local organization for emergency services or management organization.<sup>9</sup>

Retired volunteer medical workers can only perform the duties assigned, must be supervised, and may only perform the duties that were associated with their previous medical practice.<sup>10</sup> Retired volunteer medical workers will be required to maintain competency requirements that are established by the DOH.<sup>11</sup> A physician who holds a retired volunteer medical license, and is registered as an emergency worker, is immune from liability for his or her actions while providing assistance in an emergency or disaster, or while participating in an approved training exercise or preparation for an emergency or disaster. This immunity does not apply to acts of gross negligence or willful or wanton misconduct.<sup>12</sup>

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<sup>9</sup> WAC 246-12-400.

<sup>10</sup> WAC 246-12-420(2).

<sup>11</sup> See WAC 246-12-440.

<sup>12</sup> See RCW 38.52.180(3)–(5).