

## **GOOD SAMARITAN LAW**

### **May a physician be held liable for services voluntarily rendered at the scene of an emergency?**

Generally, no. Washington's Good Samaritan statute provides immunity from civil liability to any person who renders emergency care, including providing or assisting in transportation of a victim, at the scene of an emergency, or participates in transporting an injured person for emergency treatment, provided that such actions were taken without compensation or the expectation of compensation.<sup>1</sup> The "scene of an emergency" is defined as "the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action."<sup>2</sup> "Emergency care" means first aid, treatment, or assistance rendered to an injured person in need of immediate medical attention.<sup>3</sup> The immunity does apply when a person's actions while providing assistance constitute gross negligence or wanton misconduct,<sup>4</sup> or if a person transporting an injured individual operates a motor vehicle negligently.<sup>5</sup>

### **Are there other circumstances in which physicians are afforded immunity for medical care?**

Washington law also provides immunity from civil liability to any licensed health care provider who provides uncompensated health care services at a "community health care setting."<sup>6</sup> These settings include entities that provide health care services and are publically operated, operated by certain non-profit entities, operated by for-profit entities but hold themselves out to the public as providing regular free health care services, or is a contracted participant in a community-based program to provide access to free health care for uninsured individuals.<sup>7</sup> However, a physician will be subject to liability if the physician's acts or omissions constitute gross negligence or willful or wanton misconduct.<sup>8</sup>

If, however, the physician renders emergency care in the course of regular employment and receives or expects to receive compensation for such care, the "good Samaritan law" does not apply and the physician may be held liable for his or her negligent acts or omissions.<sup>9</sup>

### **May a retired physician volunteer be held liable for providing medical assistance during an emergency or a disaster?**

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<sup>1</sup> RCW 4.24.300(1). See also RCW 4.24.310(1) (defining compensation).

<sup>2</sup> RCW 4.24.310(3).

<sup>3</sup> RCW 4.24.310(2).

<sup>4</sup> RCW 4.24.300(1).

<sup>5</sup> See *Youngblood v. Schireman*, 53 Wn. App. 95, 108 (1988) (discussing the application of Good Samaritan immunity when respondents would have been liable for negligent operation of a vehicle in transporting an injured person, but that they were immune under RCW 4.24.300 from liability because they did not act with gross negligence or willful or wanton misconduct).

<sup>6</sup> RCW 4.24.300(2).

<sup>7</sup> RCW 4.24.300(3).

<sup>8</sup> RCW 4.24.300(2).

<sup>9</sup> RCW 4.24.300(1). See also RCW 4.24.310(1) (defining compensation).

Generally, no. 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.<sup>10</sup> This immunity does not apply to acts of gross negligence or willful or wanton misconduct.<sup>11</sup> See **LICENSURE**.

See also **EMERGENCY MEDICAL SERVICES**.

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<sup>10</sup> RCW 38.52.180(1)-(2).

<sup>11</sup> RCW 38.52.180(2).