

GOOD SAMARITAN LAWS SUMMARY HANDOUT

- All 50 states and the District of Columbia have some form of the Good Samaritan law. However, no two jurisdictions apply the same language in their laws.
- All states and the District of Columbia's Good Samaritan Laws exempt people from liability when using automated external defibrillators (AEDs) in an emergency.
- All states except Kentucky provide legal coverage for any licensed physician providing Good Samaritan emergency care in that state, regardless of the state(s) in which the physician has a medical license. Kentucky provides legal coverage only to physicians licensed in Kentucky.
- Good Samaritan laws do not protect providers from being named in a lawsuit. Providers may still need to go to court.
- For Good Samaritan Laws to be applicable:
 - The situation must be an emergency.
 - The services rendered must be voluntary.
 - The victim receiving care must be accepting of it. Obtain consent whenever possible.
 - The care provided must be rendered free of charge.
 - The care performed must be done "in good faith" to help.
 - The care provided cannot be considered as gross negligence or willful misconduct.
- Ordinary negligence: The person providing aid did not perform as a reasonable health care provider would under similar circumstances. In general, Good Samaritan Laws provide immunity from civil damages for injuries or death that are due to ordinary negligence.
- Gross negligence: The person did not follow the accepted standard of care. The person's actions were "willful, wanton, or even malicious." Good Samaritan Laws typically do not protect against allegations of gross negligence.
- Good Samaritan Laws do not protect physicians who have a pre-existing duty to provide care for a patient. Examples of pre-existing duty include:
 - If the victim is the provider's current patient
 - If the physician has a contractual obligation to provide care to the victim
 - If there is an on-call agreement for which the physician is required to provide services
- Most Good Samaritan laws apply solely to care provided outside the hospital, clinic, or doctor's office. However, in some states such as Colorado, Good Samaritan laws protect physicians who provide Good Samaritan care in a hospital. This is contingent upon it being outside the normal scope of the physician's responsibilities, the physician has no duty to respond, and there is no additional pay.
- Certain states (Rhode Island, Minnesota, Vermont) have "Duty-To-Act" Laws.

- If a physician (or any person) does not provide assistance and instead leaves a scene in which an individual required emergency medical treatment, they can be in violation of the law.
- Physicians who offer aid should not leave the scene until a provider of at least comparable capability can assume care of the patient. Otherwise, the physician can be charged with abandonment.
- In the United States, Canada, and United Kingdom, physicians are not legally obligated to provide assistance during in-flight emergencies.
- Aviation Medical Assistance Act of 1998: Federal statute that covers aircraft registered in the United States, even if they are outside U.S. airspace.
 - If a medically qualified individual provides assistance while flying on a commercial airplane registered in the U.S., they have Good Samaritan protection and should not be held liable for damages unless they are guilty of gross negligence.
 - The Good Samaritan provider must receive no monetary compensation. Seat upgrades, credit for travel miles, or travel vouchers do not count as monetary compensation. They should be viewed as a “token of gratitude” from the airline.
 - The Aviation Medical Assistance Act of 1998 also protects airline companies registered in the U.S. from liability sustained in seeking the assistance of a passenger to provide aid during an in-flight emergency if the airline “in good faith” believes the provider is medically qualified.
- On international flights, the laws of the country in which the airline is based are applied. Some countries such as Australia, France, and Germany legally mandate that physicians provide aid. If not, the physician can be fined or imprisoned.