

Immunity



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There are currently two statutory immunity provisions in Indiana.

Under IC 34-30-12-1, a person (not limited to a physician) "who comes upon the scene of an emergency or accident" and "gratuitously renders emergency care at the scene" (i.e., not at a health care facility) is immune from civil liability for any personal injury that results from "(1) any act or omission by the person in rendering the emergency care; or, (2) any act or failure to provide or arrange for further medical treatment or care for the injured person." This immunity does not apply to acts or omissions that amount to gross negligence, or willful or wanton misconduct.

Under IC 34-30-13-1, a person is immune from civil liability for any act or omission relating to the provision of health care services if that person: (1) has a license to provide health care services in Indiana; (2) voluntarily provides health care services within the scope of his/her licensure; and (3) provides the health care services at a medical clinic or health care facility without charge and purchases professional liability insurance.

There are also regulations and a significant amount of case law surrounding the Good Samaritan immunity.

The above is specific to Indiana. If a provider renders first aid at the scene of an accident in another state, we would have to look at the other state's immunity provisions to determine what is allowed.

Source: ProAssurance

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