

Kansas Good Samaritan Act

Note: KS has a general immunity law, as well as one specifically pertaining to manual cardiac defibrillation. Both are quoted below.

K.S.A. §65-2891

Emergency care or assistance at scene of an emergency or accident by certain persons; liability; standards of care applicable; health care provider defined.

(a) Any health care provider who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to any minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(c) Any health care provider may in good faith render emergency care or assistance during an emergency which occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by the patient's family or by guardian assumes responsibility for such patient's professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

(d) Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases wherein emergency care and assistance is rendered in any physician's or dentist's office, clinic, emergency room or hospital with or without compensation.

(e) As used in this section the term "health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, licensed podiatrist, licensed pharmacist and registered physical therapist, and any physician's assistant who has successfully completed an American medical

association approved training program and has successfully completed the national board examination for physicians' assistants of the American board of medical examiners, any person who holds a valid attendant's certificate under K.S.A. 65-6129, and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered or approved by the American red cross, by the American heart association, by the mining enforcement and safety administration of the bureau of mines of the department of interior, by the national safety council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and any person engaged in a postgraduate training program approved by the state board of healing arts.

(1992)

K.S.A. §65-4337.

Exemptions from liability for civil damages.

(a) Qualified personnel of an ambulance service which is granted a certificate of authority under this act who perform manual cardiac defibrillation during an emergency in accordance with the provisions of subsection (a) of K.S.A. 65- 4335 and any rules and regulations adopted under subsection (a) of K.S.A. 65-4335 shall not be liable for civil damages as a result of performing manual cardiac defibrillation during an emergency, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such qualified personnel performing manual cardiac defibrillation during an emergency.

(b) No medical advisor of an ambulance service which is granted a certificate of authority under this act who reviews the competence of qualified personnel to perform manual cardiac defibrillation during an emergency shall be liable for civil damages as a result of the performance by such qualified personnel during an emergency of manual cardiac defibrillation, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the medical advisor in making the review.

(1992)