

THE GOOD SAMARITAN LAW IN MARYLAND

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AGENDA

- What is the Good Samaritan Law?
  - Brief History
  - The Law in Maryland
- How does the Good Samaritan Law protect me as volunteer with CERT?
- "Exotic Hypos" and What If Examples
- Questions

WHAT IS THE GOOD SAMARITAN LAW?

- Established in Maryland in 1963, the law originally only applied to medical doctors who were providing aid without compensation in an emergency.
- Maryland's Good Samaritan law precludes civil liability from attaching to certain individuals providing emergency medical care.
- The official language is covered in section 5-603 of the Maryland Courts and Judicial Proceedings Article, and was expanded in Section 1-210 of the Maryland Criminal Procedure Article in 2021.
- Maryland does not impose an affirmative duty requiring bystanders to render assistance.

THE LAW IN MARYLAND

For the layman (i.e. any Joe Q. Public – not affiliated with an emergency training team):

An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:

(1) The assistance or aid is provided in a reasonably prudent manner;

(2) The assistance or aid is provided without fee or other compensation; and

(3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility.

- Md. Code Ann., Cts. & Jud. Proc. § 5-603 (2018).

THE LAW IN MARYLAND – CERT DEPLOYED?

When acting in your role on CERT Deployments, we are treated like the MCFRS in terms of liability

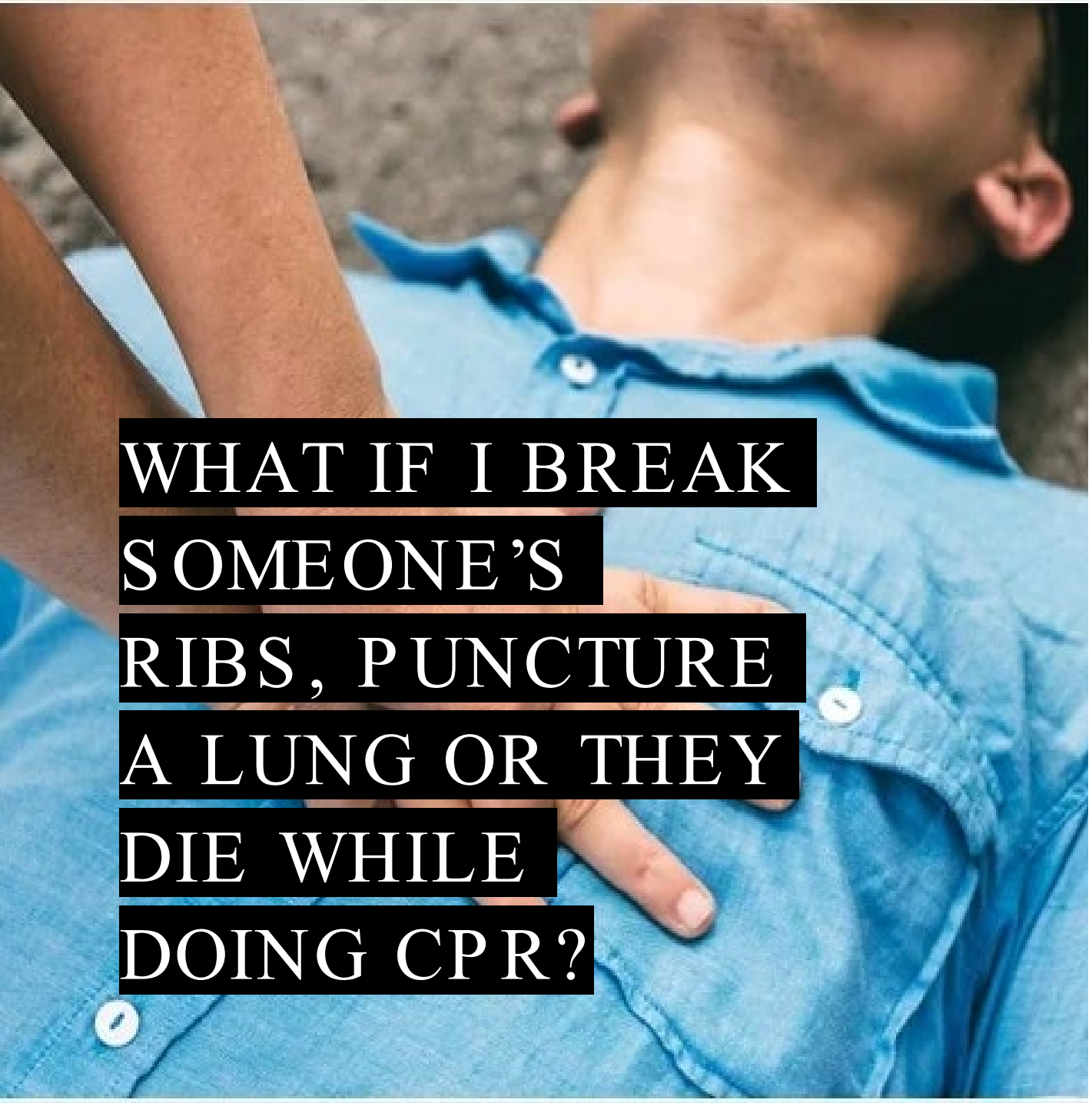
- Physicians, Nurses, EMS, Trained First Responders (defined below) are not civilly liable for any act or omission in giving any assistance or medical care, if:
  - (1) The act or omission is not one of gross negligence;
  - (2) The assistance or medical care is provided without fee or other compensation; and
  - (3) The assistance or medical care is provided: (i) At the scene of an emergency;(ii) In transit to a medical facility; or (iii) Through communications with personnel providing emergency assistance.
- A trained first responder:
  - Has completed an American Red Cross course in advanced first aid and has a current card showing that status;
  - Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health;
  - Is certified or licensed by this State as an emergency medical services provider; or
  - Is administering medications or treatment approved for use in response to an apparent drug overdose and certified by a state certified trainer

IN SHORT:

ONLY DO WHAT YOU ARE TRAINED TO DO

- Know your limits
- Don't ask for payment
- Don't interfere with professional emergency services
- Don't stop treatment once you start, until relieved or no longer safe

EXOTIC HYPOS OR THE WHAT IFS



- Were you acting within your training?
- Saving a life is paramount
- Ribs and lungs will heal if you save the person's life

WHAT IF THE PERSON HAS A "DO NOT RESUSCITATE TATTOO" ON THEIR CHEST?

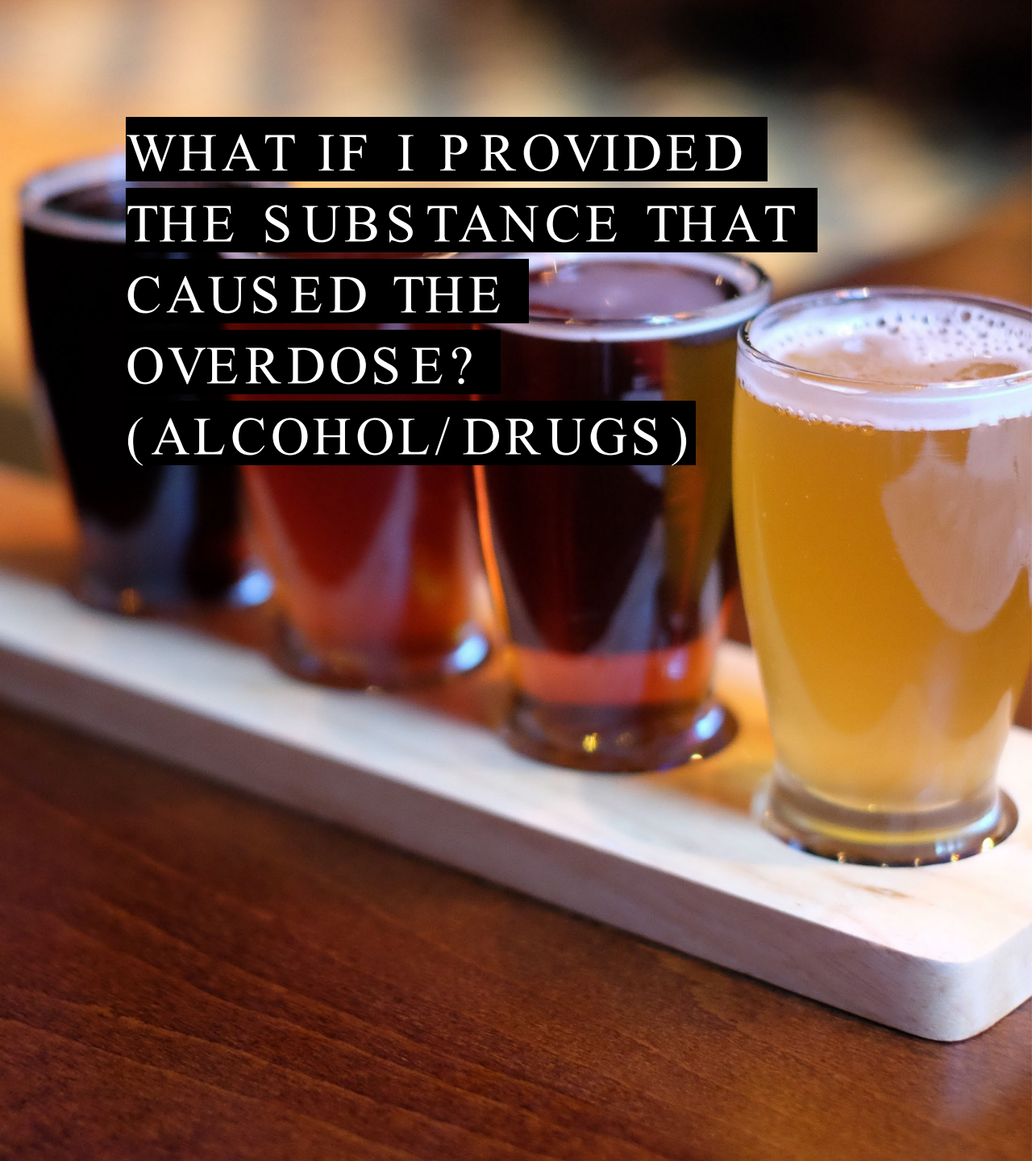
- Were you acting within your training?
- Tattoos are not considered legally binding documents because:
  - Not signed
  - Trends/Regrets
  - Unsolved ethical issues



WHAT IF I GIVE THEM NARCAN AND RUIN THEIR HIGH?

- Were you acting within your training?
- Save the life
- Prepare to deal with a very unhappy and possibly violent person





WHAT IF I PROVIDED THE SUBSTANCE THAT CAUSED THE OVERDOSE? (ALCOHOL/DRUGS)

- The act of seeking or providing medical assistance for someone after ingesting alcohol or drugs is a mitigating factor in criminal prosecution of both the person who was the victim and the rescuer
  - Typically, if you act you won't be prosecuted for Possessing or Administering CDS, Drug or Controlled Paraphernalia, Furnishing, Obtaining or Allowing underage consumption.
- Md. Code. Ann., Crim. Proc. §1-210
- IT DOES NOT PROTECT YOU IF YOU WITNESS AND DO NOT ACT

WHAT IF THE VICTIM IS A MINOR - CAN THEY CONSENT?



- If a parent is nearby, ask them for permission
- If a parent cannot easily be found and minor cannot consent, treat within the realm of your training
- In Maryland, a minor can consent in an emergency to their care in some cases
  - A minor (i.e., a person under the age of 18) has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual
  - Md. Code Ann., Health-Gen. § 20-102(b).

WHAT IF A PARENT REFUSES RESCUE ON BEHALF OF THEIR CHILD?

- Remain Calm
- Explain exactly what you were planning to do if allowed to assist
- Accept No As An Answer and Do Not Act
- Contact 9-1-1 or call over County Assigned Emergency Unit if deployed with team



WANT TO INVOKE THE GOOD SAMARITAN DEFENSE?

- Prepare to show that:
  - The care was performed as a result of an emergency
  - You didn't cause the initial emergency (even if you gave substances that the person then ingested)
  - Your care was not reckless or grossly negligent – (Do only what you were trained to do)

QUESTIONS?

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