A BILL

To enact section 2305.2310 of the Revised Code to grant qualified civil immunity to a physician who provides emergency medical services, first-aid treatment, or other emergency professional care in compliance with the federal Emergency Medical Treatment and Active Labor Act or as a result of a disaster.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2305.2310 of the Revised Code be enacted to read as follows:

Sec. 2305.2310. (A) As used in this section:

(1) "Disaster" means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of a human.

(2) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil
action for damages for a breach of contract or another agreement between persons or governmental entities. "Tort action" includes an action on a medical claim.

(B)(1) Subject to division (C)(3) of this section, a physician who provides emergency medical services, first-aid treatment, or other emergency professional care, including the provision of any medication or other medical product, in compliance with the "Emergency Medical Treatment and Active Labor Act," 100 Stat. 164 (1986), 42 U.S.C. 1395dd, as amended, is not liable in damages to any person in a tort action for injury, death, or loss to person or property that allegedly arises from an act or omission of the physician in the physician's provision of those services or that treatment or care if that act or omission does not constitute willful or wanton misconduct.

(2) Subject to division (C)(3) of this section, a physician who provides emergency medical services, first-aid treatment, or other emergency professional care, including the provision of any medication or other medical product, as a result of a disaster is not liable in damages to any person in a tort action for injury, death, or loss to person or property that allegedly arises from an act or omission of the physician in the physician's provision of those services or that treatment or care if that act or omission does not constitute willful or wanton misconduct.

(C)(1) This section does not create a new cause of action or substantive legal right against a physician.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a physician may be entitled in connection with the provision of emergency medical services, first-aid treatment, or other emergency professional care.
(3) This section does not grant an immunity from tort or other civil liability to a physician for actions that are outside the scope of authority of the physician.

(4) This section does not affect any legal responsibility of a physician to comply with any applicable law of this state or rule of an agency of this state.