

LSC 128 0530-1

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To enact section 2305.2310 of the Revised Code to 1  
grant qualified civil immunity to a physician who 2  
provides emergency medical services, first-aid 3  
treatment, or other emergency professional care in 4  
compliance with the federal Emergency Medical 5  
Treatment and Active Labor Act or as a result of a 6  
disaster. 7

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

**Section 1.** That section 2305.2310 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 2305.2310.** (A) As used in this section: 10

(1) "Disaster" means any imminent threat or actual occurrence 11  
of widespread or severe damage to or loss of property, personal 12  
hardship or injury, or loss of life that results from any natural 13  
phenomenon or act of a human. 14

(2) "Medical claim" has the same meaning as in section 15  
2305.113 of the Revised Code. 16

(3) "Physician" means an individual authorized under Chapter 17  
4731. of the Revised Code to practice medicine and surgery or 18  
osteopathic medicine and surgery. 19

(4) "Tort action" means a civil action for damages for 20  
injury, death, or loss to person or property other than a civil 21

action for damages for a breach of contract or another agreement 22  
between persons or governmental entities. "Tort action" includes 23  
an action on a medical claim. 24

(B)(1) Subject to division (C)(3) of this section, a 25  
physician who provides emergency medical services, first-aid 26  
treatment, or other emergency professional care, including the 27  
provision of any medication or other medical product, in 28  
compliance with the "Emergency Medical Treatment and Active Labor 29  
Act," 100 Stat. 164 (1986), 42 U.S.C. 1395dd, as amended, is not 30  
liable in damages to any person in a tort action for injury, 31  
death, or loss to person or property that allegedly arises from an 32  
act or omission of the physician in the physician's provision of 33  
those services or that treatment or care if that act or omission 34  
does not constitute willful or wanton misconduct. 35

(2) Subject to division (C)(3) of this section, a physician 36  
who provides emergency medical services, first-aid treatment, or 37  
other emergency professional care, including the provision of any 38  
medication or other medical product, as a result of a disaster is 39  
not liable in damages to any person in a tort action for injury, 40  
death, or loss to person or property that allegedly arises from an 41  
act or omission of the physician in the physician's provision of 42  
those services or that treatment or care if that act or omission 43  
does not constitute willful or wanton misconduct. 44

(C)(1) This section does not create a new cause of action or 45  
substantive legal right against a physician. 46

(2) This section does not affect any immunities from civil 47  
liability or defenses established by another section of the 48  
Revised Code or available at common law to which a physician may 49  
be entitled in connection with the provision of emergency medical 50  
services, first-aid treatment, or other emergency professional 51  
care. 52

(3) This section does not grant an immunity from tort or 53  
other civil liability to a physician for actions that are outside 54  
the scope of authority of the physician. 55

(4) This section does not affect any legal responsibility of 56  
a physician to comply with any applicable law of this state or 57  
rule of an agency of this state. 58