
ASSEMBLY BILL NO. 200—ASSEMBLYMEN GANSERT, HARDY;
AIZLEY, COBB, GOEDHART, GUSTAVSON, MUNFORD,
PARNELL, SETTELMAYER, STEWART AND WOODBURY

FEBRUARY 19, 2009

JOINT SPONSORS: SENATORS CEGAUSKE, HARDY, MATHEWS,
MCGINNESS, RAGGIO, RHOADS, TOWNSEND AND WASHINGTON

Referred to Committee on Judiciary

SUMMARY—Extends limited immunity from civil liability to certain medical providers who render gratuitous care under certain circumstances. (BDR 3-469)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; extending limited immunity from civil liability to certain medical providers who render gratuitous care under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person holding a license as a physician, physician
2 assistant, practitioner of respiratory care, nurse or an osteopathic physician pursuant
3 to chapter 630, 632 or 633 of NRS, or a person holding an equivalent license from
4 another state, is not liable for civil damages as a result of any act or omission not
5 amounting to gross negligence when, gratuitously and in good faith: (1) rendering
6 emergency care or assistance; or (2) retired or not practicing on a full-time basis
7 and rendering care to an indigent person. The limitation on liability does not extend
8 to damages caused by medical providers rendering emergency care or assistance
9 when the acts or omissions occur in a medical facility relative to a person with
10 whom there is a preexisting relationship as a patient. Additionally, a person holding
11 a license as a physician, physician assistant, practitioner of respiratory care, dentist
12 or an osteopathic physician pursuant to chapter 630, 631 or 633 of NRS who
13 renders care or assistance to a patient gratuitously and in good faith for a
14 governmental entity or nonprofit organization is not liable for civil damages as a
15 result of any act or omission not amounting to gross negligence or reckless, willful
16 or wanton conduct. (NRS 41.505)



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17 **Section 1** of this bill amends existing law to extend the limitation on liability to
18 psychologists licensed under chapter 641 of NRS or to persons holding similar
19 licenses in other states. This section also provides a limitation on liability when
20 certain persons who are licensed pursuant to one of these chapters or holding
21 similar licenses in other states and who are retired or not practicing full-time render
22 medical care gratuitously and in good faith to a person who is a victim of a natural
23 or man-made disaster. (NRS 41.505)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 41.505 is hereby amended to read as follows:
2 41.505 1. Any person licensed under the provisions of
3 chapter 630, 632 , ~~633~~ *or 641* of NRS and any person who
4 holds an equivalent license issued by another state, who renders
5 emergency care or assistance, including, without limitation,
6 emergency obstetrical care or assistance, in an emergency,
7 gratuitously and in good faith, is not liable for any civil damages as
8 a result of any act or omission, not amounting to gross negligence,
9 by him in rendering the emergency care or assistance or as a result
10 of any failure to act, not amounting to gross negligence, to provide
11 or arrange for further medical treatment for the injured or ill person.
12 This section does not excuse a ~~physician, physician assistant or~~
13 ~~nurse~~ *person licensed under the provisions of chapter 630, 632,*
14 *633 or 641 of NRS* from liability for damages resulting from his
15 acts or omissions which occur in a licensed medical facility relative
16 to any person with whom there is a preexisting relationship as a
17 patient.
18 2. Any person licensed under the provisions of chapter 630,
19 632 , ~~633~~ *or 641* of NRS and any person who holds an
20 equivalent license issued by another state who:
21 (a) Is retired or otherwise does not practice on a full-time basis;
22 and
23 (b) Gratuitously and in good faith, renders medical care within
24 the scope of his license to an indigent person ~~or~~ *or to a person who*
25 *is a victim of a natural or man-made disaster,*
26 *is not liable for any civil damages as a result of any act or*
27 *omission by him, not amounting to gross negligence or reckless,*
28 *willful or wanton conduct, in rendering that care.*
29 3. Any person licensed to practice medicine under the
30 provisions of chapter 630 or 633 of NRS , *licensed to practice*
31 *psychology under the provisions of chapter 641 of NRS* or licensed
32 to practice dentistry under the provisions of chapter 631 of NRS
33 who renders care or assistance to a patient for a governmental entity
34 or a nonprofit organization is not liable for any civil damages as a



1 result of any act or omission by him in rendering that care or
2 assistance if the care or assistance is rendered gratuitously, in good
3 faith and in a manner not amounting to gross negligence or reckless,
4 willful or wanton conduct.

5 4. As used in this section, "gratuitously" has the meaning
6 ascribed to it in NRS 41.500.

7 **Sec. 2.** The amendatory provisions of this act apply only to a
8 cause of action that accrues on or after October 1, 2009.

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