



HOUSE BILL 258: Amend Med. Mal. Health Care Provider Defin.

2017-2018 General Assembly

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| Committee: | House Judiciary I | Date: | March 29, 2017 |
| Introduced by: | Reps. Riddell, Fraley, Bert Jones, Clampitt | Prepared by: | Jason Moran-Bates |
| Analysis of: | First Edition | | Committee Co-Counsel |

OVERVIEW: *House Bill 258 would amend Article 1B of Chapter 90 of the General Statutes to include paramedics under the definition of health care providers for purposes of medical malpractice actions.*

CURRENT LAW: Article 1B of Chapter 90 sets forth the standards of care and burdens of proof for "medical malpractice actions," defined as civil actions against a health care provider seeking damages for personal injury or death arising out of the furnishing or failure to furnish professional health care services.

Because Article 1B does not include paramedics within the definition of "health care provider," a civil action seeking damages for personal injury or death arising from a paramedic's performance or failure to perform his or her professional duties is not a medical malpractice action subject to the requirements of Article 1B. Instead, such actions are subject to the substantive and procedural requirements applicable to ordinary negligence actions.

BILL ANALYSIS: House Bill 258 would amend the definition of health care provider in G.S. 90-21.11(1) to include paramedics as defined in G.S. 131E-155(15a). In order to be a paramedic under G.S. 131E-155(15a) an individual must complete education in emergency medical care approved by DHHS and be credentialed as a paramedic by DHHS. Under House Bill 258, a plaintiff would not be able to recover damages from a paramedic unless the plaintiff showed by the preponderance of evidence that the paramedic failed to provide the level of care that would have been provided by a similarly educated and trained paramedic from a similar community under similar circumstances. If the care the paramedic provided was emergency care, the plaintiff's burden of proof would rise to clear and convincing evidence. In addition, paramedics would be covered by the \$500,000 liability limit for non-economic damages in G.S. 90-21.19, unless one of the statutory exceptions applied.

EFFECTIVE DATE: This act would be effective when it becomes law and would apply to causes of action arising on or after that date.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
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