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Ambulances

STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

February 22, 1974

Opinion No. 74- 70

John E. Fierro
Ford County Attorney
Ford County Courthouse
Box 995
Dodge City, Kansas 67801

Dear Mr. Fierro:

You ask for an interpretation of Section 1(a) of 1973 House Bill No. 1315, now appearing at K.S.A. 1973 Supp. 65-2891.

Said section provides thusly:

"(a) Any physician or any other practitioner of the healing arts or dentist licensed to practice under the laws of this state, or any other state, or any registered professional nurse or any person who has successfully completed an approved emergency service program as defined by section 2 [65-2891a] of this act, who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care."

The amendments expand the immunity of those who administer emergency care to include persons who have completed a program of instruction as defined by K.S.A. 1973 Supp. 65-2891a which provides as follows:

"As used in this act, emergency service program means a program of instruction approved by the university of Kansas medical center, consisting of

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eighty (80) clock hours or the equivalent thereof, of preliminary emergency medical care and at least eight (8) clock hours annually of supplemental instruction."

Accordingly, ambulance attendants who have completed such a course shall not be liable for civil damages for acts or omissions other than those occasioned by gross negligence or by willful or wanton acts or omissions.

You further mention that the attendants in question will be providing their services with compensation in mind.

Prior to amendment, K.S.A. 65-2891 extended immunity for certain acts to designated persons who, in good faith, rendered emergency care, without compensation, at the scene of an emergency or accident.

K.S.A. 1973 Supp. 65-2891(a) does not provide that the immunity shall be applied only to those providing services without compensation. Therefore, we can but conclude that the provision applies to all who are mentioned irrespective of whether they are serving with or without compensation.

Very truly yours,



VERN MILLER
Attorney General

VM:JRM:jsm