

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 497

SENATORS STOLLINGS, TAKUBO, PLYMALE, MARONEY

AND FACEMIRE, *original sponsors*

[Passed March 31, 2017; in effect 90 days from passage]

1 AN ACT to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating
2 to liability for health care providers who provide services at school athletic events;
3 providing that persons licensed, certified or registered in this state or another state to
4 provide health care or professional health care services are subject to limited liability if
5 they render emergency care or treatment at a public or private elementary or secondary
6 school athletic event; outlining circumstances under which liability can be limited;
7 eliminating provisions limiting liability to the extent of insurance coverage; eliminating
8 reference to standard of care in medical professional liability act; and establishing that
9 acts of willful misconduct are not subject to limited liability.

Be it enacted by the Legislature of West Virginia:

1 That §55-7-19 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 7. ACTIONS FOR INJURIES.

**§55-7-19. Liability of health care providers who render services at school athletic events;
limiting liability; exceptions.**

1 (a) Any person licensed by, or certified or registered in, this state or another state to
2 provide health care or professional health care services: (1) Who is in attendance at an athletic
3 event sponsored by a public or private elementary or secondary school; and (2) who gratuitously
4 and in good faith agrees to render emergency care or treatment to any participant during the event
5 in connection with an emergency arising during or as the result of the event, without objection of
6 the participant, may not be held liable for any civil damages as a result of the care or treatment,
7 or as a result of any act or failure to act in providing or arranging further medical treatment.

8 (b) The limitation of liability established by the provisions of this section does not apply to
9 acts or omissions constituting gross negligence or willful misconduct. For purposes of this section,
10 the term "athletic event" includes scheduled practices for any athletic event.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor