

# SCHAUM LAW OFFICES

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## **TO: MEMBERS OF THE LONG ISLAND JEWISH ORGANIZED MEDICAL STAFF**

*New York was a pioneer in Good Samaritan legislation protecting the rights of physicians (yes – there was a time when our Legislature was concerned in shielding physicians from unnecessary litigation!).*

*The growth of Good Samaritan law has now spread nationwide and has been expanded to cover many allied health professionals. Let us review the ABCs of our statute so that you are comfortable with the protections offered.*

*The rendering of care must be voluntary and there is no compensation charged for the services rendered. The care is given at the scene of the accident – not at a hospital or at a physician's office or any other location which might have proper and necessary medical equipment. The recipient of the care must be either unconscious, ill or impaired. The care or services being rendered cannot be deemed to be in the normal course of your practice.*

*If the preceding conditions have been met the exposure to liability will be extinguished except in the instance if the care is deemed to have been grossly negligently delivered – a very high burden, akin to care being rendered in a reckless fashion.*

*There was – and- is – a strong overriding public interest policy inherent in the creation of a Good Samaritan law. Quick, emergent care for accident victims and others is to be encouraged – and the care giver should not be deterred by fear of civil suits for money damages if the recipient or his/her family decides that a standard of care has not been appropriately followed.*

*Since the first Good Samaritan statute enacted approximately fifty years ago there has been a very slow growth of the protection to allied health professionals. The courts have also been rigorous in assuring that the situs of care does not occur in the response to an “emergency” in a hospital or physician’s office. The “Good Samaritan” is the person who comes upon the scene outside the purview of such locations.*

*Respectfully submitted,*

*Schaum Law Offices*