

C.P.R.U.O.K.?

**By Reg P. Wydeven
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Last week, my buddy, Phil, brought in an emergency medical technician to our office. The EMT gave several members of our staff a training session in cardiopulmonary resuscitation (CPR), an automated external defibrillator (AED), and the Heimlich maneuver. In addition to helping us get certified in these lifesaving areas, Phil also helped pick out and set up our own AED in the office.

Tragically, a few years ago one of our clients actually suffered cardiac arrest in our office. While we administered CPR, we did not have an AED. Accordingly, because of the large number of people that visit our office each year, we thought getting trained and having the right equipment may come in handy someday.

As part of our training, the EMT explained Wisconsin's "Good Samaritan" law. I immediately thought of the series finale of 'Seinfeld' where the gang gets arrested for violating the Good Samaritan law by failing to come to the aid of an obese man getting mugged. While the episode was hilarious, most states' Good Samaritan laws are actually opposite: they provide that if you accidentally hurt someone while coming to their aid, you cannot get in trouble.

Our Good Samaritan law can be found in Chapter 895 of the Wisconsin Statutes. The rule affords a person immunity from civil liability if they come to the aid of another. To get the protection, however, the helper must: (a) provide care at the scene of an emergency; (b) provide emergency care, like CPR; and (c) provide the care in good faith.

What this means is that if a person comes to the aid of another in an emergency, such as a car accident, they cannot be sued if the accident victim is harmed because of the Good Samaritan's action or omissions.

Immunity from civil liability is also extended to anyone using an AED for someone appearing to be suffering from a heart attack. The immunity covers:

- (a) the person who provides the care by using the AED;
- (b) the person who supplies the AED, so long as the AED is maintained and tested in accordance with the manufacturer's operational guidelines;
- (c) the owner of the AED;
- (d) anyone who trains the Good Samaritan on how to use the AED.

Bad Samaritans whose use of an AED constitutes gross negligence are not covered by the law. For example, if I accidentally shocked someone while trying to use the paddles from our AED to make a panini sandwich, I clearly would not be immune from civil liability. Likewise, EMTs or other first responders are not covered for using an AED.

Similarly, immunity under the Good Samaritan law for administering CPR does not extend to health care professionals who get paid for rendering emergency care or for rendering it within the scope of their employment at a hospital, the scene of an emergency or accident, on the way to a hospital, or at a doctor's office.

I hope and pray our training was a waste of time. But if an emergency should arise at our office, thanks to Phil, we'll be as ready as we can be.