

“Good Samaritan Law” Summary

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Section 895.48 of the Wisconsin Statutes describes Wisconsin’s “Good Samaritan” law. The three main requirements for immunity from civil liability for a “Good Samaritan” under this statute are:

1. Emergency care must be rendered by the “Good Samaritan” at the scene of an emergency;
2. The care rendered must be emergency care; and
3. Any emergency care must be rendered by the “Good Samaritan” in good faith.

More specifically, any person who provides emergency care at the scene of an emergency or an accident in good faith shall be immune from civil liability related to his/her acts or omissions in rendering such emergency care, such as CPR. For example, if a bystander witnesses a car accident and provides emergency care at the scene, this bystander will not be liable for any issues caused by his/her actions or omissions in providing the emergency care.

The immunity from civil liability also extends to the application of an automated external defibrillator (“AED”) to an individual who appears to be in cardiac arrest by:

- (a) the person who provides the AED for use, if the person ensures that the AED is maintained and tested in accordance with any operational guidelines of the manufacturer;
- (b) the person who renders care (the “Good Samaritan”);
- (c) the owner of AED;
- (d) any person who provides training in the use of an AED to the person who renders care.

However, immunity from civil liability under Wisconsin’s Good Samaritan law does not extend to employees trained in health care or health care professionals that render emergency care for compensation or within the scope of their usual and customary employment or practice (emphasis added at:

- (a) a hospital or other institution equipped with hospital facilities;
- (b) at the scene of any emergency or accident;
- (c) on the way to a hospital or other institution equipped with hospital facilities; or
- (d) at a physician’s office

Immunity does not extend to a person whose act or omission resulting from the use or the provision for use of the AED constitutes gross negligence. In addition, immunity for AED use does not extend to emergency medical technicians or first responders.

For additional information, please contact Bob Lightfoot of Reinhart Boerner Van Deuren s.c. at 608-229-2257.