

FEB 25 2004
JUDICIARY

HOUSE FILE 2364
BY SMITH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the provision of emergency crisis counseling
2 to emergency service personnel at the place of an emergency or
3 an accident by a volunteer critical incident stress management
4 team member.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2364

1 Section 1. Section 613.17, Code 2003, is amended to read
2 as follows:

3 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

4 1. A person, who in good faith renders emergency care or
5 assistance without compensation, shall not be liable for any
6 civil damages for acts or omissions occurring at the place of
7 an emergency or accident or while the person is in transit to
8 or from the emergency or accident or while the person is at or
9 being moved to or from an emergency shelter unless such acts
10 or omissions constitute recklessness.

11 2. For purposes of this section, if the following shall
12 apply:

13 a. If a volunteer fire fighter, a volunteer operator or
14 attendant of an ambulance or rescue squad service, a volunteer
15 paramedic, a volunteer emergency medical technician, a
16 volunteer critical incident stress team member, or a volunteer
17 registered member of the national ski patrol system receives
18 nominal compensation not based upon the value of the services
19 performed, that person shall be considered to be receiving no
20 compensation.

21 b. The operation of a motor vehicle in compliance with
22 section 321.231 by a volunteer fire fighter, volunteer
23 operator, or attendant of an ambulance or rescue squad
24 service, a volunteer paramedic, or volunteer emergency medical
25 technician shall be considered rendering emergency care or
26 assistance for purposes of this section. ~~For purposes of this~~
27 ~~section~~-a

28 c. A person rendering emergency care or assistance
29 includes a person involved in a workplace rescue arising out
30 of an emergency or accident.

31 3. For purposes of this section, "volunteer critical
32 incident stress team member" means a person who is a member of
33 a volunteer critical incident stress team who is trained to
34 provide crisis counseling to emergency service personnel at
35 the scene of and after an emergency or accident. For purposes

1 of this subsection, "emergency service personnel" includes,
2 but is not limited to, emergency medical technicians, police
3 officers, fire fighters, dispatchers, paramedics, and mental
4 health personnel. The Iowa department of public health shall
5 adopt rules pursuant to chapter 17A to further define
6 "volunteer critical incident stress team management members".

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EXPLANATION

8 This bill relates to the provision of emergency crisis
9 counseling at the place of an emergency or accident by a
10 volunteer critical incident stress team member.

11 The bill provides that a volunteer critical incident stress
12 team member who receives nominal compensation not based upon
13 the value of the services performed at the place of an
14 emergency or an accident shall be considered to be receiving
15 no compensation and shall not be liable for any civil damages
16 for acts or omissions occurring at the place of the emergency
17 or accident while in transit to or from the emergency or
18 accident or while at or being moved to or from an emergency
19 shelter, unless such acts or omissions constitute negligence.

20 The bill defines a "volunteer critical incident stress team
21 member" to mean a person who is a member of a volunteer
22 critical incident stress team who provides emergency crisis
23 counseling to emergency service personnel at the scene of and
24 after an emergency or accident. "Emergency service personnel"
25 includes, but is not limited to, emergency medical
26 technicians, police officers, fire fighters, dispatchers,
27 paramedics, and mental health personnel. The Iowa department
28 of public health shall adopt rules further defining volunteer
29 critical incident stress team management members.

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