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Torts; emergency medical services

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overcomes the presumption of reasonable fear by clear and convincing evidence.⁸

DMT

8. 1989 Nev. Stat. ch. 759, sec. 1, at 1798 (enacting NEV. REV. STAT. § 41.____). See generally Tomeo, *The Deadly Force Act: New Jersey's Attempt to Protect the Homeowner from Intrusion*, 11 SETON HALL LEGIS. J. 403 (1988) (analysis of New Jersey and Colorado statutes expanding an occupant's right to use force to repel an intrusion).

Torts; emergency medical services

NEV. REV. STAT. § 41.505 (amended).
SB 52 (Rawson); 1989 STAT. Ch. 19

Under existing law, a physician¹ or nurse² rendering³ emergency care gratuitously and in good faith⁴ at the scene of an emergency,⁵ or while transporting an injured person from an emergency, is not liable for civil damages except for an act or omission amounting to gross negligence.⁶ Chapter 19 extends this immunity to emergency medical attendants⁷ or registered nurses obeying instructions from a physician or registered nurse.⁸ A physician or nurse is not excused from liability if the negligence occurs in a licensed medical facility⁹ and the injured person was previously a patient.¹⁰

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1. See NEV. REV. STAT. § 630.014 (1987) (definition of physician).
 2. See *id.* §§ 632.016 (1987) (definition of licensed practical nurse), 632.019 (1987) (definition of registered nurse).
 3. See *id.* § 41.505 (1987) (rendering includes giving instruction or providing supervision).
 4. See *Hulse v. Sheriff of Clark*, 88 Nev. 393, 398, 498 P.2d 1317, 1320 (1972) (defining good faith as good intent and the honest exercise of the physician's best judgment as to the needs of the patient).
 5. See NEV. REV. STAT. § 632.015 (1987) (definition of emergency).
 6. *Id.* § 41.505 (1987). See *id.* § 41.500 (1987) ("Good Samaritan" statute limiting liability to gross negligence). See generally *Good Samaritans and Liability for Medical Malpractice*, 64 COLUMBIA L. REV. 1301 (general discussion of good samaritan laws).
 7. See NEV. REV. STAT. §§ 450B.025, 450B.050, 450B.065, 450B.070, 450B.085 (1987) (emergency medical attendant means person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician).
 8. 1989 Nev. Stat. ch. 19, sec. 1, at 21 (amending NEV. REV. STAT. § 41.505).
 9. See NEV. REV. STAT. § 449.0151 (1987) (definition of medical facility). See also *id.* §§ 449.037 (1987) (standards for licensing of medical facility), 449.040 (1987) (application for license to operate facility).
 10. 1989 Nev. Stat. Ch. 19, sec. 1, at 21 (amending NEV. REV. STAT. § 41.505).