

TerranearPMC Safety Share

Week of March 25, 2013 – The Good Samaritan

One of the most told tales in Western Civilization is the biblical story of the Good Samaritan. The story tells of a man that was beaten and robbed and left destitute in the middle of nowhere. While he is ignored by people that were considered to be his kindred, he is finally helped by someone who he least expected to come to his aid; someone that belonged to a group of people, Samaritans, that was a known enemy of his land.

Today, we have taken the term, “good Samaritan,” and have used it to describe a person that comes to the aid of others; even though this “good Samaritan” may not be an expert in the field for which he/she is offering help. Throughout the fifty states, **Good Samaritan laws** offer legal protection to people who give reasonable assistance to those who are injured, ill, in peril, or otherwise incapacitated. In some cases, Good Samaritan laws encourage people to offer assistance, thereby reducing bystanders' hesitation to assist, for fear of being sued or prosecuted for unintentional injury or wrongful death.

According to First Aid/CPR instructors, a question that is frequently asked is “Do I have to worry about getting sued if I try to help someone?” In an interesting case in California, a judgment was made against a Good Samaritan who may have caused further injury to a car crash victim by pulling the victim from a car apparently causing a spinal cord injury. Within weeks of the judgment the California Legislators rewrote the Good Samaritan Laws for the purpose of effectively blocking the loophole that had brought on the judgment.

The consensus seems to be that one needs to act within the scope of their training. Don't do a tracheotomy on a choking victim just because you saw *MacGyver* do it on a TV show (for those of you that can remember!). Act in a responsible manner according to the training you have received and the Good Samaritan Laws will protect you.

Many Good Samaritan laws specify that only those who provide assistance without intention of reward or financial compensation are covered. As such, medical professionals are typically not protected by these laws when they are performing first aid in connection with their employment. So where does that leave first aid/CPR trained persons?

Within a workplace setting, OSHA has a few regulations that address the purpose and necessity to have persons assigned to perform first aid/CPR. For instance, in OSHA's General Industry regulation, 29 CFR 1910.151(b), it states that

In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.

In OSHA's construction industry, 29 CFR 1926.50(c) provides:

In the absence of an infirmary clinic, hospital, or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid.

According to Good Samaritan laws throughout the country (each state has its own specific requirements), any person trained in basic first aid and/or CPR through successful completion of training in accordance with the standards of the American Red Cross or the American Heart Association or similar type organization and who in good faith, not for compensation, provides such services in accordance with his or her training to a person who is an apparent victim of acute cardiopulmonary insufficiency or other immediate medical assistance shall not, as the result of his or her acts or omissions in providing resuscitation or first aid measures, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

Therefore, when one is assigned as the first aid/CPR qualified individual for a project or activity, "Good Samaritan" deeds are covered. However, only an employee trained in first aid /CPR and designated by the employer as responsible for rendering medical assistance as part of his/her job duties, is covered by the requirements. This includes post-exposure incident follow-up, training and personal protective equipment.

If a responder begins rendering aid, he/she must not leave the scene until it is necessary to call for needed medical assistance, a rescuer of equal or higher ability takes over, or continuing to give aid is unsafe. The responder is not legally liable for any harm to the person assisted, as long as the responder acted rationally, in good faith and in accordance with their level of training.

Other things to keep in mind:

While CPR has been proven to be beneficial, its success rate is rather small; experts say that only about 10% of those who receive CPR actual survive. Its main function is to “buy time” while proper medical care and machinery arrive at the scene to be administered. This doesn't mean that you shouldn't learn and administer CPR if you find yourself in a situation where CPR is needed. Doing something is always better than nothing and you never know how close help is. Knowing this, however, should make you aware of how important it is to call 911 or some other form of care as quickly as possible.

With regards to first aid, a kit should meet the requirements of ANSI Z308.1 “Minimum Requirements for Workplace First Aid Kits) although this in the OSHA regulations as a non-mandatory item; However it is a requirement for work at DoD facilities. While CPR and first aid cannot guarantee miracles, they do offer hope and assistance to those that need it. As long as this type of assistance is being performed without the expectation for payment, the Good Samaritan Law is there to allow you to perform these valuable services.

When you go into court you are putting your fate into the hands of twelve people who weren't smart enough to get out of jury duty.

Norm Crosby