



## Sovereign Immunity for Providers of Mandated Emergency Care

SB 1640 by Senator Baker  
HB 839 by Representative Homan

- Emergency departments and trauma facilities, as well as the physicians and staff that provide emergency care and transportation, render an essential and critical public service. From a single individual encountering an emergency at home to groups of people sustaining mass casualties from natural or man-made disasters, the doors of the emergency department are open to all, providing a safety net to the public.
- In order to serve the best interests of the public, it is essential that the necessary resources are available to provide quality emergency care. These resources include the ready availability of specialists to the emergency physician.
- Currently there is a severe shortage of specialists available for emergency call. The decreasing pool of on-call specialists is directly related to the increased risk that serving the public in emergency situations entails.
- The act of providing emergency care puts emergency physicians, specialists and other providers in high risk situations as patient outcomes are frequently unpredictable and beyond the control of even the most competent physicians.
- Under federal and state law, physicians providing emergency medical care in Florida trauma centers and emergency departments are mandated to treat all patients, regardless of their injury, illness or ability to pay. Amending section 768.28 of Florida Statutes would provide protection to the providers of this valuable public service.
- Acting as mandated by federal and state law, emergency medical providers and physicians are essentially acting as agents of the state and should therefore be extended sovereign immunity.
- Currently, under section 768.28 of Florida Statutes, several types of medical providers are protected by sovereign immunity, including workers who provide healthcare to inmates at state correctional facilities, regional poison control centers, and publicly funded and incorporated hospitals, medical centers and medical schools.

- Other organizations that support extending sovereign immunity to providers of mandated emergency care include:
  - Florida Medical Association
  - Florida Osteopathic Medical Association
  - Florida Justice Reform Institute
  - Florida Orthopaedic Society
  - Florida Chapter of the American Academy of Emergency Medicine
  - Florida Association of County Emergency Medical Services
  - Florida Association of Emergency Medical Services Medical Directors
  - Florida Obstetrics and Gynecological Society
  - Florida Society of Anesthesiologists
  - Florida Academy of Family Physicians
  - Florida Pulmonary Society
  - Florida Society of Physical Medicine and Rehabilitation.
  - Florida Chapter, American College of Surgeons
  - Florida Society for Preventive Medicine
  - Florida Society of Ophthalmology
  - Florida Society of General Surgeons
  - Florida Emergency Nurses Association
  - Florida Neurosurgical Society