

# Good Samaritan Acts: Legal and Ethical Guidelines



Reading time:  
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The provision of healthcare to people in need of urgent medical attention in instances following motor vehicle accidents, at sporting events or during air travel can all be classified as Good Samaritan acts. These occurrences can take place both within and outside Australia.

For incidents in Australia there is legislation surrounding the protection of Good Samaritans.

This is how the Australian Medical Board protects the intentions of a Good Samaritan:

## Board Code of conduct for medical and dental practitioners



# Is there a doctor on board?

Apart from any ethical duty, members are reminded that the codes of conduct state at 2.5 Treatment in emergencies:

Treating patients in emergencies requires practitioners to consider a range of issues, in addition to the provision of best care. Good medical practice involves offering assistance in an emergency that takes account of the practitioner's own safety, skills, the availability of other options and the impact on any other patients under the practitioner's care, and continuing to provide that assistance until your services are no longer required.

Should you refuse assistance you may open yourself to complaint and even Board investigation. In 2012, a case in Western Australia involved a doctor who refused to treat a sick infant who was not his regular patient. As a result of this, the doctor was reprimanded and fined by the Board.

Should you have a complaint made against you and you are investigated by a Board in relation to your conduct in such circumstances, your actions will be judged in accordance with these codes.

## The Good Samaritan defence

As a result of tort reform in the mid-2000s there is individual State (not including Tasmania) and Territory legislation concerning personal injury in emergency situations. The protection does vary so consider your local jurisdiction for specific details. However in general terms if you were acting in good faith, acting without recklessness, exercised reasonable care and were not drug or alcohol affected, you are not likely to be considered negligent if there is an adverse outcome and it is alleged a better outcome should have been achieved.

## MIPS cover

Good Samaritan acts are covered in all countries except the USA or countries where US law applies.

The following outlines basic principles that will be considered in determining whether an event can be classified as Good Samaritan in nature:

- there should be no expectation that the member is available or would be available to provide health services; and
- the Good Samaritan act is provided in a voluntary manner; and
- any such assistance is in relation to unexpected and unanticipated events.

Should you be involved in a Good Samaritan act please outline its circumstances to a MIPS clinico-legal adviser for further advice.

In summary

- Consider your ethical and code of conduct requirements
- Advise MIPS of any involvement in a Good Samaritan act
- MIPS insurance does not cover incidents within the USA or where US law applies.

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