

What is a good samaritan - Am I protected for helping others

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In today's litigious society, there can be a reluctance to help out in emergency situations. Some people are hesitant to provide first aid to accident victims, even when they are trained in CPR, because of fear of liability for making a mistake. Property owners and managers, uncertain if Good Samaritan laws apply, often ask if their employee should call 911 rather than offer to perform CPR or first aid in an emergency situation. They want to know, what exactly a Good Samaritan is and will they be protected from liability for helping others.

According to USLegal.com, a Good Samaritan refers to someone who provides emergency aid to an injured person on a voluntary basis. Typically, if a volunteer renders aid to an injured or ill person who is a stranger, the person giving the aid owes the stranger a duty of being reasonably careful. A person is not legally obligated to perform first aid in most states, unless it's part of their job description. However, some states will consider it an act of negligence if a person doesn't at least call for help. Generally, where an unconscious victim cannot respond, a Good Samaritan can help them on the grounds of implied consent. However, if the victim is conscious and can respond, a person should ask their permission to help them first.

The Massachusetts Good Samaritan Law, M.G.L., Chapter 112, Section 12V protects "Any person, whose usual and regular duties do not include the provision of emergency medical care, and who, in good faith, attempts to render emergency care including, but not limited to, cardiopulmonary resuscitation or defibrillation, and does so without compensation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the attempt to render such emergency care."

In Massachusetts this means that those who are not in the medical field and come to the aid of others for no other reason than kindness are protected from personal liability under the law. If they are volunteering in the hopes of being paid a reward or fee, then the law will not likely apply.

Although Good Samaritan's in Massachusetts and most states are protected by law for administering first aid to victims during an emergency, in the end, if you do decide to volunteer, the best practice is to act in the best interest of the victim whether providing first aid or at least calling 911.

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