

Hot Topics for Tennessee cities and towns

November 13, 2000

#60

Liability Exposure of EMTs and Paramedics Not Subject to Governmental Tort Liability Limits

by Jim Finane
Special Projects Consultant

In a recent Tennessee Supreme Court case, the court found that local government emergency medical technicians (EMTs) and paramedics are excluded from the coverage of the Governmental Tort Liability Act (GTLA). The court held that EMTs and paramedics are “health care practitioners” and as such are not subject to the limits applicable to most other local government functions. This means that the \$130,000 per person/\$350,000 per incident bodily injury liability limits do not apply in cases involving claims against EMTs and paramedics.

The case, *Mooney v. Sneed*, 2000 WL 1516013 (Tenn.), arose from a one-car automobile accident in Memphis in 1993 to which two Memphis EMTs responded. The plaintiff alleged that in treating the injured passenger while transporting him to the hospital, the EMTs improperly intubated him, possibly causing brain damage from lack of oxygen. The plaintiff sued for an amount in excess of the Tort Liability limit, alleging that the employees were specifically excluded as “health care practitioners” under the language of the GTLA (T.C.A. § 29-20-310(b)). On Oct. 13, 2000, the Tennessee Supreme Court agreed with the plaintiff and sent the case back for trial.

This case applies only to certified EMTs and paramedics and does not include any other city personnel who may participate in a First Responder program that includes extrication, rescue, and/or first aid as a part of that service. Only those First Responders, public safety, and emergency medical staff members who are certified EMTs and paramedics are affected by this decision.

The limits to a city’s exposure under the GTLA are actually set by the amount of coverage the city carries for this purpose. The act itself specifies what minimum amounts of coverage cities must carry, and those minimum amounts are the actual liability limits of the act. If a city carries more insurance than the law requires for a particular exposure, then the city may be liable to the limits of its coverage.

The Tennessee Municipal League Risk Management Pool has stated that they will continue to cover all municipal employees affected by this decision at the tort liability limits, which means \$130,000 per person or a combined limit of \$350,000 per covered incident. The Pool can also provide additional coverage at levels of \$500,000, \$1,000,000 or \$2,000,000 for participating cities which have EMTs and paramedic employees affected by this decision.

For further information on coverage and costs for this program for your city, contact your TML Risk Management Pool representative.


 The University of Tennessee does not discriminate on the basis of race, sex, or disability in its educational programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990. Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources (DRES), 2110 Terrace Avenue, Knoxville, Tennessee 37996-3560, telephone (865) 974-2498 (VTTY available) or (865) 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources, 600 Henley Street, Knoxville, Tennessee 37996-4125.

Authorization No. E14-1050-00-002-01


 The University of Tennessee
 Institute for Public Service
 105 Student Services Building
 Knoxville, TN 37996-0213

FIRST CLASS
 U.S. Postage Paid
 Knoxville
 Permit No. 870

The Municipal Technical Advisory Service (MTAS) is a statewide agency of The University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League in providing technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, communications, ordinance codification, and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.