

## Good Samaritan Act: Nurse Dismissed From Lawsuit.

The school nurse was with her students at another district's school farm when the farm's resident caretaker's seven year-old son was poked in the eye.

The nurse volunteered to look at it. She merely told the parents to put some ice on it until the swelling went down.

Two days later their pediatrician found a piece of wire in the eye and sent the boy to an ophthalmologist. After several surgeries the eye finally had to be removed.

The New York Supreme Court, Appellate Division ruled the Good Samaritan Act applied and dismissed the nurse from the lawsuit. McDaniel v. Keck, \_\_ N.Y.S. 2d \_\_, 2008 WL 2756498 (N.Y. App., July 17, 2008).

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***Unless the nurse commits an act of gross negligence, a nurse cannot be liable for rendering first aid or emergency treatment at the scene of an accident or emergency, if it is done voluntarily and without the expectation of compensation and it is not done in a doctor's office, hospital or other clinical location that has proper medical equipment or supplies.***

***The nurse was not hired to care for this child. She volunteered in an emergency at or near the scene of the accident. The barn and the farmhouse are not clinical settings and had no supplies or equipment for proper medical treatment.***

NEW YORK SUPREME COURT  
APPELLATE DIVISION  
July 17, 2008