

Resolution No. 01-91-12

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Attorney advises the Tribal Council that Tribal employees and any other person who in good faith renders emergency aid to injured, ill or pregnant persons on the Fort Apache Indian Reservation, need adequate protection against liability for acting as "Good Samaritans"; and

WHEREAS, the Tribal Attorney further recommends to the Tribal Council that the Health and Safety Code be amended to limit the liability of persons rendering emergency care in a non-hospital setting; and

WHEREAS, it is the consensus of the Tribal Council that the Health and Safety Code should be amended in accordance with the proposed Emergency Aid Ordinance attached hereto.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Council Secretary is hereby directed to post the proposed Ordinance for a minimum of ten (10) days in each district in accordance with the requirements of the Tribal Constitution.

The foregoing resolution was on January 9, 1991, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) (q) (u) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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JAN 16 1991

FORT APACHE INDIAN AGENCY
WINTERWELL, ARIZONA



Chairman of the Tribal Council



Secretary of the Tribal Council

Ordinance No. _____

PROPOSED
EMERGENCY AID ORDINANCE
OF THE WHITE MOUNTAIN APACHE TRIBE
AMENDING THE HEALTH AND SAFETY CODE
TO ADD THE FOLLOWING AS CHAPTER 15 THEREOF:

Section 1. Health care provider, Tribal employee, or any other person; emergency aid; non-liability.

Any health care provider licensed or certified to practice as such on the White Mountain Apache Reservation or in any State, or elsewhere, or a Tribal employee, including police officers, Game and Fish officers, ski patrolmen, ambulance attendants, or any other person who renders emergency care at a public gathering or at the scene of an emergency accident, illness or other occurrence in good faith shall not be liable for any civil or other damages as a result of any act or omission by such person rendering the emergency care, or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the injured or ill persons, unless such person, while rendering such emergency care, is found guilty of gross, willful negligence.

Section 2. Limited liability for emergency health care at athletic events.

A health care provider licensed or certified to practice as such on the White Mountain Apache Reservation or in any State, or elsewhere, or a Tribal employee, including police officers, Game and Fish officers, ski patrolmen, ambulance attendants, or any other person who renders emergency care at a public gathering or at the scene of an emergency accident, illness or other occurrence who agrees with any person, a school or with Sunrise Park employees to attend an amateur athletic practice, contest or event to be available to render emergency health care within the provider's authorized scope of practice to an athlete or competitor injured during such event is not liable for any civil or other damages as the result of any act or omission by the provider rendering the emergency care, or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the injured athlete, if the provider acts in good faith, unless such person, while rendering such emergency care is guilty of gross, willful negligence.

Section 3. Limited liability for treatment related to delivery of infants.

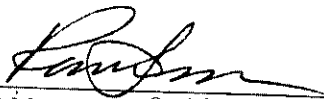
A. A health care provider licensed or certified to practice as such on the White Mountain Apache Reservation or in any State, or elsewhere, or a Tribal employee, including police officers, Game and Fish officers, ski patrolmen, ambulance attendants, or any other person who renders emergency care at a public gathering or at the scene of an emergency accident, illness or other occurrence shall not be liable to a pregnant female patient, the child or children delivered, or their families for medical negligence related to labor or delivery rendered on an emergency basis, unless the patient was previously treated for the pregnancy by the very same licensed physician who was rendering treatment on an emergency basis.

B. This Section does not apply to treatment rendered in connection with labor and delivery if the patient has been seen regularly by or under the direction of the licensed physician attending the patient during an emergency labor and delivery.

C. For the purposes of this Section, "Emergency" means when labor has begun or a condition exists in a pregnant woman requiring the delivery of a child or children.

Section 4. Sections 1 through 3 of this Chapter shall not apply to the rendering of emergency care at the Public Health Service Hospital in Whiteriver, Arizona, or the Public Health Service Cibecue Clinic in Cibecue, Arizona, within the exterior boundaries of the Fort Apache Indian Reservation.

The foregoing Ordinance No. _____ was on _____, 1991, duly enacted by a vote of _____ for and _____ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 _____ of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council

Secretary of the Tribal Council