

Legal risk of not performing CPR higher than providing lifesaving assistance

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While some bystanders may fail to attempt CPR because they fear legal liability, the likelihood of facing litigation is higher for delaying or failing to intervene, according to preliminary research to be presented at the American Heart Association's Resuscitation Science Symposium 2019—November 16-17 in Philadelphia.

Even though every state has "Good Samaritan" laws, which offer legal protection to people who give reasonable assistance to those who they believe to be injured or in peril, concerns about [legal liability](#) are common.

"The misgivings people express about being blamed for a bad outcome if they were to perform bystander CPR is essentially unfounded," said the study's lead author Travis Murphy, M.D., an [emergency medicine](#) attending physician and a fellow in surgical critical care at the University of Florida in Gainesville. "A person is much more likely to be taken to court for not providing CPR soon enough."

In a review of 30 years of the largest collection of U.S. legal cases involving CPR, researchers found only a few cases tied to someone performing CPR, with many more related to delayed or inadequate CPR. In addition, more than \$620 million has been issued as settlement or [punitive damages](#) for delays in CPR, where only about \$120,000 has been paid as damages for performing CPR on someone.

Researchers identified 170 cases via a legal research database for jury

verdicts, settlements and appellate opinions from all 50 states, from 1989 to 2019, in which the use or nonuse of CPR gave rise to a [personal injury](#) or wrongful death lawsuit.

- Of these cases, 167 involved alleged negligence, and only three were related to alleged battery for providing CPR.
- Of the battery cases, two were ruled in favor of the defendant, the bystander who administered CPR. Of the negligence cases, 74 were ruled in favor of the defendant.

"We hope this information would encourage people trained in bystander CPR to use the skills they have learned and help save a life," Murphy said.

Provided by American Heart Association

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