STATE OF MICHIGAN

COURT OF APPEALS

MILDRED FROST,

Plaintiff-Appellant,

v

UNITED AMBULANCE SERVICE,

Defendant-Appellee.

UNPUBLISHED
July 29, 1997

No. 194723
Wayne Circuit Court
LC No. 95-518326 NO

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant on the basis of immunity provided by §20965 of the Public Health Code, MCL 333.29065; MSA 14.15(29065), and lack of proof of requisite gross negligence or willful misconduct as those terms were defined in *Jennings v City of Southwood*, 446 Mich 125; 521 NW2d 230 (1994). This case is being decided without oral argument pursuant to MCR 7.214(E).

Section 20965(1) grants immunity, *inter alia*, to medical first responders such as the paramedics employed by defendant in conjunction with its ambulance service, "while providing services to a patient outside a hospital . . . that are consistent with the individual's licensure or additional training required by the local medical control authority." Here, the actions of the defendant's agents giving rise to alleged tort liability involved allowing a patient in a wheelchair to fall out of the wheelchair while being maneuvered from the patient's home to the front porch of the home so the patient could be loaded onto a gurney and then placed in the ambulance for transport to a hospital for treatment of a suspected myocardial infarction. While the actions of the paramedics in evaluating the condition of the patient and the need for stabilizing treatments would certainly be based on licensure or additional training, the straightforward task of maneuvering a person in a wheelchair from one place to another without allowing the person to fall out of the chair has nothing to do with licensure or specialized training but is rather a question of ordinary negligence. *Fogel v Sinai Hospital of Detroit*, 2 Mich App 99; 138 NW2d 503 (1965); *Gold v Sinai Hospital of Detroit, Inc*, 5 Mich App 368; 146 NW2d 723 (1966). As such activities neither require licensure or additional training nor call upon such specialized knowledge, such

* Circuit judge, sitting on the Court of Appeals by assignment.

activities do not fall within the ambit of the immunity provided by the statute. Therefore, even assuming *arguendo* that the trial court correctly determined that on these facts reasonable minds could not differ as to whether gross negligence or willful misconduct was established, the statute is simply inapposite and summary disposition was improperly granted.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Kathleen Jansen
/s/ Myron H. Wahls
/s/ Patrick R. Joslyn