

Inside EMS *continued from page 22*

## There Oughta Be a Law

**P**ARAMEDIC JAMES GARCIA of Lexington, S.C., was hit by a car while at a vehicle accident last winter. One of his arms and one of his legs were broken, and he was out of work for two months. But what bothers Garcia the most is that he—not the driver—was charged for a traffic violation.

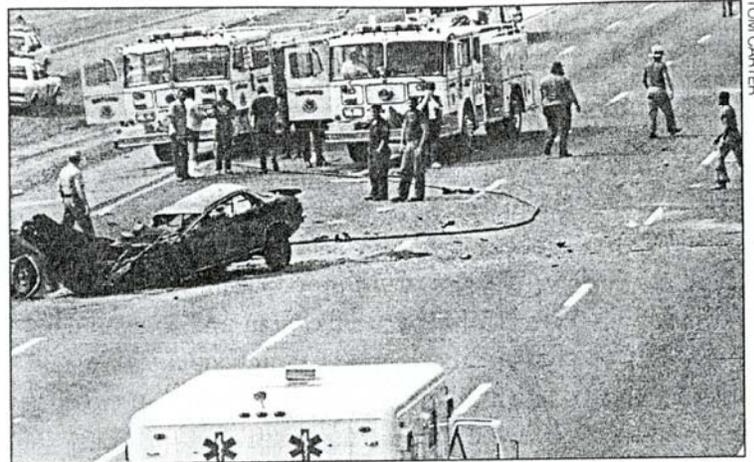
"The accident report said it was 100 percent my fault," Garcia said. "I was standing behind my unit, 15 feet from a patrol car, and we both had our lights on. The driver was going 45 in a 55 mph zone, so he wasn't in violation, but the officer said I shouldn't have been in the road in a dark uniform."

As he recovered from the crash, Garcia decided to find out his rights—and discovered he had none. He called EMS and public safety agencies and organizations in South Carolina; then he called federal agencies and national EMS organizations.

"I found there is no law that gives emergency responders the right to be on scene or that protects us on scene," he said. (John Chew of the Department of Transportation's EMS division confirmed that no federal law addresses this issue and said he knows of no state laws that do.)

So Garcia decided to write a law. "People said there is no law so I should draft one," he said. "But I'm just Joe Blow paramedic and didn't have any idea how to do that. But I'm learning." With

Feb, 1995



TOM CARTER

*Be careful! Paramedic James Garcia learned the hard way there are no laws giving EMS personnel the right to be on scenes like this one.*

the help of South Carolina Rep. Larry Koon, Garcia wrote a bill, which Koon is prepared to sponsor. Once it passes in South Carolina, Garcia said, he plans to work on a federal bill.

"This is my own crusade because I was hurt, but it's everyone's problem," Garcia said. "The point is to get people to slow down and use care near an accident scene. But it's also to make it clear we have the right to be on scene doing our jobs." —M. Garza

**Jennifer Delroy is an associate editor of JEMS.**

**Marion Garza is editorial/news coordinator of JEMS.**