

## **WNA Board Adopts FAQs on Rendering Aid**

The WNA Board of Directors reviewed and approved information regarding the nurse's role in rendering aid outside of work time and assessing for personal safety. WNA recommends that you review and are aware of this information. Please contact WNA at [info@wisconsinurses.org](mailto:info@wisconsinurses.org) if you have any questions.



### **WNA FAQ: Nurse Safety and Duty to Render Aid**

This FAQ is offered by WNA to provide clarity and reassurance to nurses who have questions about their responsibility if involved in dangerous or armed situations. It is important that we recognize that situations involving mechanical, industrial, weapons, active law enforcement or other unpredictable situations can be unsafe and perhaps dangerous. This information is provided for nurses, who are off-duty, and may find themselves in or who are affected by situations of physical and/or moral distress.

- Legal clarity for Wisconsin nurses
- Regulatory engagement and protections
- Nurse safety and well-being
- Trauma-informed support for members

#### **Do Wisconsin nurses have a legal duty to render aid when off duty?**

No. There is no Wisconsin law, statute, or Board of Nursing rule that requires off-duty nurses to render aid or otherwise intervene in emergencies, particularly when there is a credible risk to personal safety.

#### **What is Wisconsin's Good Samaritan law?**

Wisconsin's Good Samaritan law<sup>i</sup>

- Provides civil liability protection for individuals, including nurses, who choose to render emergency assistance in good faith
- Does not require anyone to intervene, so choosing not to intervene is not punishable under this law
- Does not eliminate the right to prioritize personal safety

#### **Definition of Emergency Care**

The phrase, "emergency care," refers to the initial evaluation and immediate assistance, treatment, and intervention rendered to an injured person during the period before care can be transferred to professional medical personnel.<sup>ii</sup>

#### **Does being a nurse create a professional obligation to intervene?**

No. Again, there is no Wisconsin law, statute, or Board of Nursing rule that requires off-duty nurses to render aid or otherwise intervene in emergencies, particularly when there is a credible risk to personal

safety. Professional ethics guide nursing values, but do not remove a nurse's right to self-preservation.<sup>iii</sup>

### **Could a nurse be disciplined for choosing not to intervene?**

- WNA's position is that nurses should not face discipline for prioritizing safety.
- WNA has not found any evidence of nurses declining to intervene due to credible safety concerns being disciplined by the Wisconsin Board of Nursing for unprofessional conduct.
- WNA supports adherence to HIPAA regulations regarding patient confidentiality.

### **What if I begin helping and then realize the situation is unsafe?**

Initiating assistance does not obligate a nurse to remain in a situation that becomes dangerous; you may disengage.

### **Professional Liability Insurance**

Your employer's malpractice insurance coverage may or may not extend coverage for you. In the event of a medical incident that you were a part of, which resulted in an insurance or civil lawsuit, you may be covered under your employer if you were found to be practicing safely. In most cases the employer's malpractice insurance coverage does not cover instances that occur off duty. You should check with your malpractice insurance company to see if you are covered. For more information on professional malpractice insurance go to: <https://www.wisconsinnurses.org/member-benefits/> ANA and WNA may receive a benefit when members purchase insurance through endorsed partners.

### **Bottom line**

Nursing licensure does not create a legal or professional obligation to intervene in dangerous or armed situations. Wisconsin nurses retain the right to prioritize personal safety.

WNA's priority is ensuring clarity, protection, and support for nurses—now and in the future.

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<sup>i</sup> Wisconsin State Statute Chapter 895.48. (December 19, 2025). *Civil liability exemption; emergency medical care*. Updated 2023-24 Wisconsin Statutes & Annotations.

<https://docs.legis.wisconsin.gov/statutes/statutes/895/ii/48?view=section>

<sup>ii</sup> Wisconsin Supreme Court. (2006) *Definition of emergency care*. Mueller v. McMillan Warner Insurance Co. WI 54 (290 Wis. 2d 571), pgs. 13-14.

<https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=25290>

<sup>iii</sup> American Nurses Association. (2025). Code of ethics for nurses. Provision 5; 5.1.

<https://codeofethics.ana.org/home>