

First Aid for Seizures and Possible Legal Consequences for Rendering Help



By Bryon W. Gross

First aid for seizures involves responding in ways that can keep the person safe until the seizure stops by itself. The responder may be fearful of rendering aid more with respect to perceived civil liability issues rather than fear of danger to themselves.

I have been practicing law since 1991. I am licensed in Massachusetts, Connecticut, New York and D.C. However, the legal discussions herein is not to be construed as legal advice in any jurisdiction.

I have been a First Responder for the American Red Cross since 2004. I am a volunteer with their Disaster Action Team, I am a professional driver for their Emergency Response Vehicle and I have been a First Aid/CPR/AED Instructor since 2009.

Most importantly, here are a few things you can do to help someone who is having a generalized tonic-clonic (grand mal) seizure:

- Keep calm and reassure other people who may be nearby.
- Prevent injury by clearing the area around the person of anything hard or sharp.
- Ease the person to the floor and put something soft and flat, like a folded jacket, under his head.
- Remove eyeglasses and loosen ties or anything around the neck that may make breathing difficult.
- Time the seizure with your watch. If the seizure continues for longer than five minutes without signs of slowing down or if a person has trouble breathing afterwards, appears to be injured, in pain, or recovery is unusual in some way, call 911.
- Do not hold the person down or try to stop his movements.
- Contrary to popular belief, it is not true that a person having a seizure can swallow his tongue. **Do not** put anything in the person's mouth. Efforts to hold the tongue down can injure the teeth or jaw.
- Turn the person gently onto one side. This will help keep the airway clear.

- Don't attempt artificial respiration except in the unlikely event that a person does not start breathing again after the seizure has stopped.
- Stay with the person until the seizure ends naturally and he is fully awake.
- Do not offer the person water or food until fully alert
- Be friendly and reassuring as consciousness returns.
- Offer to call a taxi, friend or relative to help the person get home if he seems confused or unable to get home without help.

Here are a few things you can do to help someone who is having a seizure that appears as blank staring, loss of awareness, and/or involuntary blinking, chewing, or other facial movements.

- Stay calm and speak reassuringly.
- Guide him away from dangers.
- Block access to hazards, but don't restrain the person.
- If he is agitated, stay a distance away, but close enough to protect him until full awareness has returned.

Consider a seizure an emergency and call 911 if any of the following occurs:

- The seizure lasts longer than five minutes without signs of slowing down or if a person has trouble breathing afterwards, appears to be in pain or recovery is unusual in some way.
- The person has another seizure soon after the first one.
- The person cannot be awakened after the seizure activity has stopped.
- The person became injured during the seizure.
- The person becomes aggressive.
- The seizure occurs in water.
- The person has a health condition like diabetes or heart disease or is pregnant.

The “Good Samaritan Laws” are [laws](#) or acts protecting those who choose to serve and tend to others who are injured or ill. They are intended to reduce bystanders' hesitation to assist, for fear of being sued or prosecuted for unintentional injury or [wrongful death](#). Its purpose is to keep people from being reluctant to help a stranger in need for fear of legal repercussions should they make some mistake in treatment. Good Samaritan laws vary from jurisdiction to jurisdiction, as do their interactions with various other legal principles, such as consent, parental rights and the right to refuse treatment. Such laws generally do not apply to medical professionals' or career emergency responders' on-the-job conduct, but some extend protection to professional rescuers when they are acting in a volunteer capacity.

Good Samaritan laws take their name from a [parable told by Jesus](#) commonly referred to as the [Parable of the Good Samaritan](#) which is contained in [Luke](#) 10:25-37. It recounts

the aid given by one traveler (from the area known as [Samaria](#)) to another traveler of a different religious and ethnic background who had been beaten and robbed by bandits.