

BILL ANALYSIS

C.S.H.B. 1353
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is ambiguity regarding the liability of health care providers and health care institutions that provide certain assistance to people during disaster situations. There are concerns that certain volunteer health care providers may be exposed to legal risks and discouraged from providing such assistance in these situations. C.S.H.B. 1353 seeks to resolve this ambiguity by granting immunity from civil liability to volunteer health care providers and health care institutions that provide certain assistance in relation to a disaster.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1353 amends the Civil Practice and Remedies Code to grant a volunteer health care provider, as defined by reference to the Charitable Immunity and Liability Act of 1987, immunity from civil liability for an act or omission that occurs in giving care, assistance, or advice provided within the scope of the provider's practice under state law and in relation to an incident that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment, except in the case of reckless conduct or intentional, wilful, or wanton misconduct. The bill specifies that such a provider includes an individual who is not affiliated with a charitable organization. The bill grants a health care institution immunity from civil liability for an act or omission by a volunteer health care provider providing care, assistance, or advice at the institution's facility or under the institution's direction if the provider is immune from civil liability under the bill's provisions and the institution does not have an expectation of compensation from or on behalf of the recipient of such services in excess of reimbursement for expenses incurred by the institution in connection with the provision of the services. The bill establishes that the immunity provided under the bill's provisions is in addition to any other immunity or limitations of liability provided by law.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1353 may differ from the original in minor or nonsubstantive ways, the

following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the type of provider granted immunity from civil liability for the provision of services in relation to a disaster from a health care provider to a volunteer health care provider who provides such services without compensation or expectation of compensation. The substitute includes provisions providing for the immunity of a health care institution for an act or omission by a volunteer health care provider in the provision of such services at the institution's facility or under the institution's direction.

The substitute includes a provision establishing that the immunity provided under its provisions is in addition to any other immunity or limitations of liability provided by law.