

- SUBJECT:** Allowing physician assistants to provide medical services during a disaster
- COMMITTEE:** Civil Practices — favorable, without amendment
- VOTE:** 8 ayes — Nixon, Rose, King, Madden, Martinez Fischer, Raymond, Strama, Talton
- 0 nays
- 1 absent — Woolley
- WITNESSES:** For — Julie Bighouse and Tim King, Texas Academy of Physician Assistants; Richard Branson, Physician Assistants Caring for Texas; Gordon K. Lee
- Against — None
- BACKGROUND:** Occupations Code, sec. 204.202 allows a physician assistant to perform medical services under the supervision of a physician as long as the services are within the education, training, and experience of the physician assistant. The services must be delegated to the physician assistant by the supervising physician.
- DIGEST:** HB 1577 would amend the Occupations Code to allow a physician assistant to perform medical services that were not delegated or supervised by a physician during a disaster under the state emergency management plan or a disaster declared by the governor or the U.S. government. A physician assistant would be allowed to perform medical services during a disaster under the supervision of a physician who also was volunteering for the disaster or without a physician's supervision if a physician was not available. A physician assistant who did not hold a Texas license but was employed by the U.S. government or licensed in another state would be allowed to perform medical services that were not delegated or supervised by a physician during a disaster.
- The bill also would provide immunity from civil liability to physician assistants who performed medical services under the bill. It would not apply to physician assistants who provided medical care for compensation during a disaster.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS
SAY:

In the event of a disaster, the demand for medical care may be greater than the number of physicians available to provide it. Allowing licensed physician assistants to provide medical care during a disaster could save many lives.

Civil Practice and Remedies Code, sec. 74.151 protects from liability a person who in good faith provides free emergency medical care unless the person acted in a willfully negligent way. This section applies only to the provision of *emergency* medical care, however, and not all medical care provided during a disaster necessarily would qualify as emergency care. In order to fully protect physician assistants, it is necessary for the bill to specifically state that they would be immune from liability for services performed in accordance with the bill.

OPPONENTS
SAY:

HB 1577 is unnecessary. The Civil Practice and Remedies Code already protects a person who in good faith provides free emergency medical care from liability unless the person acted in a willfully negligent way.

OTHER
OPPONENTS
SAY:

In order to fully protect the public, the bill should not require the existence of a specific type of disaster before a physician assistant could provide medical care without the supervision of a physician. The bill currently would cover only the provision of medical care during a disaster under the state emergency management plan or a disaster declared by the governor or the U.S. government. Medical care likely would be needed in the immediate aftermath of a disaster, and physician assistants should not have to wait for the authority to provide life-saving care.

NOTES:

The companion bill, SB 520 by Madla, passed the Senate on May 2.