

- SUBJECT:** Immunity for volunteer audiologists and speech-language pathologists
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Hunter, Hughes, Alonzo, Hartnett, Leibowitz, Lewis, Madden, Martinez, Woolley
- 0 nays
- 2 absent — Branch, Jackson
- WITNESSES:** For — Larry Higdon, Texas Speech-Language-Hearing Association; (*Registered, but did not testify*: Brad Shields, Texas Academy of Audiology)
- Against — None
- BACKGROUND:** Under Civil Practice and Remedies Code, ch. 84, the Charitable Immunity and Liability Act, a volunteer health care provider who provides health care services without compensation and serves as a direct service volunteer of a charitable organization is immune from civil liability for most acts or omissions that result in injury or death to a patient. Immunity is excluded for acts and omissions that are intentional, willfully negligent, or done with conscience indifference or reckless disregard for the safety of others.
- The act defines “volunteer health care provider” to include, among others, physicians, registered nurses, dentists, physical therapists, pharmacists, and occupational therapists.
- DIGEST:** HB 1995 would grant audiologists and speech-language pathologists (SLPs) immunity from civil liability for any act or omission that resulted in the death or injury to a patient if:
- the audiologist or SLP was conducting a speech, language, or hearing evaluation or screening without compensation or expectation of compensation;
 - the audiologist or SLP was acting in good faith and in the course and scope of the audiologist’s or SLP’s duties;

- the act or omission occurred during the speech, language, or hearing evaluation; and
- the services provided to the patient were within the scope or license of the audiologist or SLP.

HB 1995 would exclude from immunity an act or omission that was intentional, willful, or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

The bill would define "audiologist" and "speech-language pathologist" to mean, respectively, an individual licensed to practice audiology or speech-language pathology by the State Board of Examiners of Speech-Language Pathology and Audiology.

The bill would apply only to acts or omissions that occurred on or after the bill's September 1, 2009 effective date.

**SUPPORTERS
SAY:**

HB 1995 would encourage more audiologists and speech-language pathologists (SLP) to volunteer their services by granting them the same civil immunity protections that doctors, dentists, nurses, and other medical professionals already have. Audiologists and SLPs who voluntarily provide non-invasive speech and hearing evaluations perform no less a valuable service to their communities than doctors who volunteer their medical services. By expanding the list of volunteer health care providers to include audiologists and SLPs, HB 1995 would further the primary purpose of the Charitable Immunity and Liability Act ("Act"), which is to encourage a wide range of health care providers to provide voluntary health care services free of charge to the public.

Although there have been no reported cases in Texas of lawsuits filed against volunteering audiologists or SLPs, the nature of today's litigious society requires precautionary measures against potential future lawsuits. HB 1995 would give assurance to responsible audiologists and SLPs by closing the current gap in the Act's immunity provisions.

**OPPONENTS
SAY:**

HB 1995 would provide a solution to a problem that does not exist. There have been no reported instances of a lawsuit against an audiologist or SLP in Texas for voluntarily providing health care services to the public. The bill would simply create another unnecessary exception to civil liability.

NOTES:

A related bill, SB 1211 by Fraser, passed the Senate by a 30-0 vote on April 15 and was subsequently referred to the House Judiciary and Civil Jurisprudence Committee on April 20.