

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1105
By: Duncan
Economic Development
4-16-97
Committee Report (Substituted)

DIGEST

Currently, Texas law provides only limited protections from liability to volunteer health care professionals who provide free medical services. Increased protections may be needed to ensure continued access to volunteer health care, especially for low-income and uninsured Texans. This bill would provide civil immunity from liability to volunteer health care providers who provide health care services free of charge.

PURPOSE

As proposed, C.S.S.B. 1105 provides for civil immunity from liability to volunteer health care providers who provide health care services free of charge.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.003(2), Civil Practice and Remedies Code, to redefine "volunteer."

SECTION 2. Amends Section 84.004(b), Civil Practice and Remedies Code, to provide that a volunteer who is serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury if the volunteer was acting in good faith and in the course and scope of his duties or functions within the organization, and, in the case of a volunteer, as provided in Section 84.003(2)(A)-(D), who is rendering health care services: the volunteer commits an act or commission in the course of providing health care services to the patient; the services provided are within the scope of the license of the volunteer; and the patient, or if the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient, signs a written statement that acknowledges that the volunteer is providing care that is not administered for or in expectation of compensation, and waives the right to recover damages from the volunteer in exchange for receiving the uncompensated services.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amend Section 84.003(2), Civil Practice and Remedies Code, to redefine "volunteer" to include certain individuals who voluntarily provide health care services without compensation or any expectation of compensation. Omits legislative findings regarding the need to encourage health care providers to contribute their services on a voluntary basis by reducing their exposure to civil liability.

SECTION 2.

Amends Section 84.004(b), Civil Practice and Remedies Code, to provide civil immunity to a volunteer as defined in Section 84.003(2), Civil Practice and Remedies Code. Omits proposed amendments to Title 4, Civil Practice and Remedies Code, which added Chapter 88 to set forth the limited liability of volunteer health care providers.