

BILL ANALYSIS

Senate Research Center
84R966 SCL-D

S.B. 378
By: Rodríguez
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Social workers are the largest group of Red Cross mental health volunteers. During the aftermath of Hurricanes Katrina, Rita, and Ike, the Texas Chapter of the National Association of Social Workers coordinated the many requests for help from 30 different churches, mass shelters, and agencies and matched them with social workers from all over Texas.

The Charitable Immunity and Liability Act of 1987 provides that a volunteer health care provider who is serving as a direct service volunteer health care provider of a charitable organization is immune from civil liability for any act or omission resulting in injury to a patient under certain circumstances. The statute defines "volunteer health care provider" to include physicians, nurses, dentists, et cetera. However, licensed social workers who may provide psychotherapy, assessment, diagnosis, and treatment are not included in the definition of "volunteer health care provider."

As filed, S.B. 378 adds a licensed social worker or a retired social worker to the definition of "volunteer health care provider" under the Texas Charitable Immunity and Liability Act of 1987. This addition will protect social workers as volunteers from civil liability, thereby encouraging volunteers to perform essential services on behalf of charitable organizations in a time of need.

As proposed, S.B. 378 amends current law relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.003(5), Civil Practice and Remedies Code, by redefining "volunteer health care provider" to include certain social workers.

SECTION 2. Provides that this Act applies only to a cause of action that accrues on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.