

BILL ANALYSIS

Senate Research Center
85R3749 JCG-F

H.B. 1978
By: Sheffield (Buckingham)
Health & Human Services
5/8/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, physician assistants provide medical care under the supervision and delegation of licensed Texas physicians. In certain instances, such as during a state emergency or federal disaster, physician assistants are authorized to furnish medical treatment on a volunteer basis without supervision, provided they are acting within their scope of practice.

However, while physician assistants currently have liability protection to provide care during a state emergency or federal disaster, they are not protected while volunteering for a charitable organization or event. The majority of medical professionals, including physicians, nurses, and advanced practice nurses, are afforded liability protection by the state when they volunteer without compensation for certain charitable purposes.

H.B. 1978 will address this issue by enabling physician assistants to utilize their training in volunteer situations with or without a supervising physician, as the case may be, without remuneration. By allowing physician assistants to have liability protection similar to that of other health professionals, this bill will increase the volunteer pool available to nonprofits, faith-based organizations, and local health care organizations that need non-physician volunteers.

H.B. 1978 amends current law relating to physician assistant services performed as volunteer care.

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 204.2045, Occupations Code, as follows:

Sec. 204.2045. New heading: VOLUNTEER CARE AND SERVICES PERFORMED DURING DISASTER. (a) Provides that the supervision and delegation requirements of this chapter (Physician Assistants) and Subtitle B (Physicians) do not apply to medical tasks performed by a physician assistant:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
- (2) creates this subdivision from existing text and makes nonsubstantive changes; or
- (3) as a volunteer for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair.

(a-1) Creates this subsection from existing text.

(b) Provides that a physician assistant performing medical tasks under this section:

(1) is entitled to the immunity from liability provided by Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code. Creates this subdivision from existing text; and

(2) is acting within the scope of the physician assistant's license for purposes of immunity under Section 84.004(c) (relating to providing that certain volunteer health care providers 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 under certain circumstances), Civil Practice Remedies Code.

(c) Authorizes a physician assistant to perform tasks described by this section:

(1) under the supervision of any physician who is also performing volunteer work in the disaster, for the charitable organization, or at the public or private event; or

(2) makes no change to this subdivision.

(d) Makes no changes to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.