

BILL ANALYSIS

Senate Research Center
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S.B. 752
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During Hurricane Harvey, the need for volunteer health care providers was evident. According to the Federal Emergency Management Agency, 5,359 patients were cared for during both the rescue and recovery efforts.

This extraordinary weather event encouraged volunteers from across the state and the country to offer their services in all areas, but particularly in health care. However, current law contains ambiguity about the liability coverage of these volunteer health care providers, which discouraged qualified volunteers from participating in the rescue and recovery efforts. Some providers volunteered on their own and unknowingly put themselves and their facilities at risk, because their liability coverage did not extend to them in that environment.

S.B. 752 extends liability protection for volunteer health care professionals (except for in cases of reckless conduct or intentional, wilful, or wanton misconduct) and the facilities that sponsor the care of assistance during or in the wake of a manmade or natural disaster. It also clarifies that health care providers and health care institutions are protected under their current limited liability policies during times of natural disaster, even if the location of care is atypical of their current coverage.

As proposed, S.B. 752 amends current law relating to liability of volunteer health care providers and health care institutions for care, assistance, or advice provided in relation to a disaster.

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 Chapter 79, Civil Practice and Remedies Code, by adding Section 79.0031, as follows:

Section 79.0031. **LIABILITY OF VOLUNTEER HEALTH CARE PROVIDER OR HEALTH CARE INSTITUTION.** (a) Defines "health care institution" and "volunteer health care provider."

(b) Provides that, except in the case of reckless conduct or intentional, wilful, or wanton misconduct, a volunteer health care provider is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice if the care, assistance, or advice is provided:

(1) in relation to an incident that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and

(2) within the scope of the provider's practice under the laws of this state.

(c) Provides that a health care institution is immune from civil liability for an act or omission by a volunteer health care provider providing care, assistance, or advice at the institution's facility or under the institution's direction if:

(1) the provider is immune from civil liability under Subsection (b); and

(2) the institution does not have an expectation of compensation from or on behalf of the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred by the institution in connection with the provision of the care, assistance, or advice.

(d) Provides that the immunity provided by this section is in addition to any other immunity or limitations of liability provided by law.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.