

By: Janek

S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

relating to liability for emergency care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 74.001(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) A person who in good faith administers emergency care, including using an automated external defibrillator, ~~[at the scene of an emergency but not in a hospital or other health care facility or means of medical transport]~~ is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent.

(c) If the scene of an emergency is in a hospital or other health care facility or means of medical transport, this section does not apply to ~~[a person who in good faith administers emergency care is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent, provided that this subsection does not apply to care administered:~~

~~[(1) by]~~ a person who regularly administers care in a hospital emergency room for or in expectation of remuneration ~~[unless such person is at the scene of the emergency for reasons wholly unrelated to the person's work in administering health care, or~~

~~[(2) by an admitting or attending physician of the patient or a treating physician associated by the admitting or~~

1 ~~attending physician of the patient in question]~~.

2 SECTION 2. The following provisions of the Civil Practice
3 and Remedies Code are repealed:

- 4 (1) Sections 74.001(b) and (d); and
5 (2) Section 74.002.

6 SECTION 3. This Act takes effect September 1, 2003, and
7 applies only to a cause of action that accrues on or after that
8 date. An action that accrued before the effective date of this Act
9 is governed by the law applicable to the action immediately before
10 the effective date of this Act, and that law is continued in effect
11 for that purpose.