

By: Farabee

H.B. No. 938

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of physician assistants who provide certain
3 emergency care.

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

5 SECTION 1. Section 74.151, Civil Practice and Remedies
6 Code, is amended by adding Subsection (a-1) to read as follows:

7 (a-1) A physician assistant licensed under Chapter 204,
8 Occupations Code, who in good faith administers emergency care,
9 including by using an automated external defibrillator, at a
10 location other than a place where the physician assistant is
11 authorized by a supervising physician to practice under Section
12 204.202, Occupations Code, is not liable in civil damages for an act
13 performed during the emergency unless the act is wilfully,
14 wantonly, or grossly negligent.

15 SECTION 2. The change in law made by this Act applies only
16 to the administration of emergency care by a physician assistant on
17 or after the effective date of this Act. The administration of
18 emergency care by a physician assistant before the effective date
19 of this Act is governed by the law in effect immediately before that
20 date, and that law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.