

By: Bonnen

H.B. No. 1160

A BILL TO BE ENTITLED

AN ACT

relating to limiting the liability of emergency medical services
volunteers and emergency medical services volunteer providers.

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

SECTION 1. The heading to Chapter 78, Civil Practice and
Remedies Code, is amended to read as follows:

CHAPTER 78. CERTAIN FIRE FIGHTERS, ~~[AND]~~ FIRE-FIGHTING ENTITIES,
AND EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVIDERS

SECTION 2. Chapter 78, Civil Practice and Remedies Code, is
amended by adding Subchapter D to read as follows:

SUBCHAPTER D. VOLUNTEER EMERGENCY MEDICAL SERVICES

Sec. 78.151. DEFINITIONS. In this subchapter:

(1) "Emergency medical services" has the meaning
assigned by Section 773.003, Health and Safety Code.

(2) "Emergency medical services volunteer" has the
meaning assigned by Section 773.003, Health and Safety Code.

(3) "Emergency medical services volunteer provider"
has the meaning assigned by Section 773.003, Health and Safety
Code.

Sec. 78.152. LIABILITY FOR PROPERTY DAMAGE. An emergency
medical services volunteer or an emergency medical services
volunteer provider is not liable for damage to property resulting
from the volunteer's or the provider's reasonable and necessary
action in providing emergency medical services in relation to the

1 property.

2 Sec. 78.153. LIABILITY LIMITATIONS OF OTHER LAW NOT
3 AFFECTED. To the extent that Chapter 74, Chapter 84, or any other
4 law limits the liability of an emergency medical services volunteer
5 or an emergency medical services volunteer provider in a manner
6 that provides more protection than this subchapter, that law
7 prevails.

8 Sec. 78.154. LIABILITY OF EMERGENCY MEDICAL SERVICES
9 VOLUNTEER. (a) An emergency medical services volunteer providing
10 emergency medical services is liable for personal injury or death
11 arising from those services only to the extent that an employee
12 providing the same or similar services for a county would be liable.

13 (b) Section 101.106 applies to a claimant in a suit against
14 an emergency medical services volunteer as if the emergency medical
15 services volunteer were an employee of a governmental unit and the
16 emergency medical services volunteer provider were a governmental
17 unit.

18 SECTION 3. Section 84.003(5), Civil Practice and Remedies
19 Code, is amended to read as follows:

20 (5) "Volunteer health care provider" means an
21 individual who voluntarily provides health care services without
22 compensation or expectation of compensation and who is:

23 (A) an individual who is licensed to practice
24 medicine under Subtitle B, Title 3, Occupations Code;

25 (B) a retired physician who is eligible to
26 provide health care services, including a retired physician who is
27 licensed but exempt from paying the required annual registration

1 fee under Section 156.002, Occupations Code;

2 (C) a physician assistant licensed under Chapter
3 204, Occupations Code, or a retired physician assistant who is
4 eligible to provide health care services under the law of this
5 state;

6 (D) a registered nurse, including an advanced
7 nurse practitioner, or vocational nurse, licensed under Chapter
8 301, Occupations Code, or a retired vocational nurse or registered
9 nurse, including a retired advanced nurse practitioner, who is
10 eligible to provide health care services under the law of this
11 state;

12 (E) a pharmacist licensed under Subtitle J, Title
13 3, Occupations Code, or a retired pharmacist who is eligible to
14 provide health care services under the law of this state;

15 (F) a podiatrist licensed under Chapter 202,
16 Occupations Code, or a retired podiatrist who is eligible to
17 provide health care services under the law of this state;

18 (G) a dentist licensed under Subtitle D, Title 3,
19 Occupations Code, or a retired dentist who is eligible to provide
20 health care services under the law of this state;

21 (H) a dental hygienist licensed under Subtitle D,
22 Title 3, Occupations Code, or a retired dental hygienist who is
23 eligible to provide health care services under the law of this
24 state; [~~or~~]

25 (I) an emergency medical services volunteer
26 under Section 773.003, Health and Safety Code; or

27 (J) an optometrist or therapeutic optometrist

1 licensed under Chapter 351, Occupations Code, or a retired
2 optometrist or therapeutic optometrist who is eligible to provide
3 health care services under the law of this state.

4 SECTION 4. This Act applies only to a cause of action that
5 accrues on or after the effective date of this Act. An action that
6 accrues before the effective date of this Act is governed by the law
7 applicable to the action immediately before the effective date of
8 this Act, and that law is continued in effect for that purpose.

9 SECTION 5. This Act takes effect September 1, 2005.