

BILL ANALYSIS

H.B. 2005
By: Woolley
Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the Bureau of Census Report, approximately 5 million people are living in Texas without health insurance and approximately 1.2 million of those live in the Greater Houston area. Texas is believed to have the highest rate of uninsured residents in the United States. Of the uninsured Texans, approximately 25% are children. Consequently, all forms of pro bono health care is needed to help the uninsured. To provide free care, significant numbers of health care volunteers are needed presently and in the future.

Unfortunately, health care volunteers are reluctant to provide free care, because their malpractice insurance does not cover providing free care or does not encompass volunteer care outside the facility or clinic in which they work. Similarly, facilities and clinics that are willing to allow their building and equipment to be used for pro bono care are uncomfortable with allowing health care volunteers to participate if the volunteers do not have their own malpractice coverage. As a result, potential health care volunteers are discouraged from volunteering.

The Charitable Immunity and Liability Act provides legal immunity from liability when health care volunteers in good faith deliver free care, but currently only covers physicians, physician assistants, nurses, pharmacists, podiatrists, dentists, dental hygienists, and optometrists. It does not presently include physical therapists, physical therapist assistants, occupational therapists, or occupational therapy assistants. There is a provision of the existing law to cover volunteers generally, but health care providers have been singled out for specific immunity. Health care providers, who are not listed, are concerned that the general language for other volunteers may not encompass their delivery of free health care services.

House Bill 2005 clarifies that physical therapists, physical therapist assistants, occupational therapists, or occupational therapy assistants are within the definition of volunteer health care provider for the purposes of the Charitable Immunity and Liability Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 84.003(5), Civil Practices and Remedies Code, to provide that the definition of " Volunteer health care provider" includes certain physical therapists, certain physical therapist assistants, certain occupational therapists, or certain occupational therapy assistants.

SECTION 2. Provides that this Act only apply to a cause of action that accrues on or after the effective date of this Act.

SECTION 3. Effective Date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

