

AN ACT

relating to liability of certain physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants who voluntarily provide health care services.

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

SECTION 1. Section 84.003(5), Civil Practice and Remedies Code, is amended to read as follows:

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

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

(B) a retired physician who is eligible to provide health care services, including a retired physician who is licensed but exempt from paying the required annual registration fee under Section 156.002, Occupations Code;

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

(D) a registered nurse, including an advanced nurse practitioner, or vocational nurse, licensed under Chapter 301, Occupations Code, or a retired vocational nurse or registered nurse, including a retired advanced nurse practitioner, who is

1 eligible to provide health care services under the law of this
2 state;

3 (E) a pharmacist licensed under Subtitle J, Title
4 3, Occupations Code, or a retired pharmacist who is eligible to
5 provide health care services under the law of this state;

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

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

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

16 (I) an optometrist or therapeutic optometrist
17 licensed under Chapter 351, Occupations Code, or a retired
18 optometrist or therapeutic optometrist who is eligible to provide
19 health care services under the law of this state;

20 (J) a physical therapist or physical therapist
21 assistant licensed under Chapter 453, Occupations Code, or a
22 retired physical therapist or physical therapist assistant who is
23 eligible to provide health care services under the law of this
24 state; or

25 (K) an occupational therapist or occupational
26 therapy assistant licensed under Chapter 454, Occupations Code, or
27 a retired occupational therapist or occupational therapy assistant

1 who is eligible to provide health care services under the law of
2 this state.

3 SECTION 2. This Act applies only to a cause of action that
4 accrues on or after the effective date of this Act. An action that
5 accrued before the effective date of this Act is governed by the law
6 in effect when the action accrued, and the former law is continued
7 in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2005 was passed by the House on April 5, 2007, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2005 was passed by the Senate on May 8, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor