

BILL ANALYSIS

H.B. 1995
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Charitable Immunity and Liability Act of 1987 provides that a volunteer health care provider who is serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in injury to a patient under certain circumstances. The statute defines "volunteer health care provider" to include physicians, dentists, among others. However, speech-language pathologists and audiologists are not included in the definition of "volunteer health care provider."

H.B. 1995 establishes that a volunteer audiologist or speech-language pathologist who conducts a speech, language, or hearing evaluation or screening is immune from certain civil liabilities for any act or omission resulting in the death or injury to the patient.

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

H.B. 1995 amends the Civil Practice and Remedies Code to establish that an audiologist or speech-language pathologist who, without compensation or expectation of compensation, conducts a speech, language, or hearing evaluation or screening is immune from civil liability for any act or omission resulting in the death or injury to the patient if the audiologist or speech-language pathologist was acting in good faith and in the course and scope of the audiologist's or speech-language pathologist's duties; if the audiologist or speech-language pathologist commits the act or omission in the course of conducting the speech, language or hearing examination or screening; and if the services provided to the patient are within the scope of the license of the audiologist or speech-language pathologist. The bill provides that the immunity from liability does not apply to an act or omission that is intentional, willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

EFFECTIVE DATE

September 1, 2009.