

BILL ANALYSIS

H.B. 3985
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Effective disaster response demands volunteers from virtually every profession in the medical and health care fields, including physicians, nurses, pharmacists, social workers, and counselors. The federal government has recognized the important role that social workers play in a disaster response by embedding the profession in the federally mandated Emergency Systems for the Advance Registration of Volunteer Health Professionals (ESAR-VHP). This web-based registry enables emergency management coordinators to collect and match volunteers' skills, abilities, and experiences with the needs of a disaster. The Charitable Immunity and Liability Act of 1987 provides that a volunteer health care provider who is serving as a direct service volunteer health care provider 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 and dentists, but licensed social workers who may provide psychotherapy, assessment, diagnosis, and treatment are not included.

H.B. 3985 includes a licensed social worker or a retired social worker in the definition of "volunteer health care provider" under the Texas Charitable Immunity and Liability Act of 1987.

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. 3985 amends the Civil Practice and Remedies Code to include a social worker licensed under the Social Work Practice Act, or a retired social worker who is eligible to engage in the practice of social work under Texas law, in the definition of "volunteer health care provider" under the Charitable Immunity and Liability Act of 1987.

EFFECTIVE DATE

September 1, 2009.