

1-1 By: McCall, Button (Senate Sponsor - Fraser) H.B. No. 1995  
1-2 (In the Senate - Received from the House May 4, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 15, 2009, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the liability of volunteer audiologists and  
1-9 speech-language pathologists who provide certain speech, language,  
1-10 and hearing evaluations.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
1-13 amended by adding Chapter 91A to read as follows:

1-14 CHAPTER 91A. LIABILITY OF VOLUNTEER AUDIOLOGISTS AND  
1-15 SPEECH-LANGUAGE PATHOLOGISTS

1-16 Sec. 91A.001. DEFINITIONS. In this chapter:

1-17 (1) "Audiologist" means an individual licensed to  
1-18 practice audiology by the State Board of Examiners of  
1-19 Speech-Language Pathology and Audiology.

1-20 (2) "Speech-language pathologist" means an individual  
1-21 licensed to practice speech-language pathology by the State Board  
1-22 of Examiners for Speech-Language Pathology and Audiology.

1-23 Sec. 91A.002. IMMUNITY FROM LIABILITY. An audiologist or  
1-24 speech-language pathologist who, without compensation or  
1-25 expectation of compensation, conducts a speech, language, or  
1-26 hearing evaluation or screening is immune from civil liability for  
1-27 any act or omission resulting in the death or injury to the patient  
1-28 if:

1-29 (1) the audiologist or speech-language pathologist  
1-30 was acting in good faith and in the course and scope of the  
1-31 audiologist's or speech-language pathologist's duties;

1-32 (2) the audiologist or speech-language pathologist  
1-33 commits the act or omission in the course of conducting the speech,  
1-34 language, or hearing examination or screening; and

1-35 (3) the services provided to the patient are within  
1-36 the scope of the license of the audiologist or speech-language  
1-37 pathologist.

1-38 Sec. 91A.003. APPLICABILITY. This chapter does not apply  
1-39 to an act or omission that is intentional, wilfully or wantonly  
1-40 negligent, or done with conscious indifference or reckless  
1-41 disregard for the safety of others.

1-42 SECTION 2. Chapter 91A, Civil Practice and Remedies Code,  
1-43 as added by this Act, applies only to a cause of action that accrues  
1-44 on or after the effective date of this Act. An action that accrued  
1-45 before the effective date of this Act is governed by the law  
1-46 applicable to the action immediately before the effective date of  
1-47 this Act, and that law is continued in effect for that purpose.

1-48 SECTION 3. This Act takes effect September 1, 2009.

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