

By: Fraser

S.B. No. 1211

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the liability of a volunteer audiologist, assistant in  
3 audiology, speech-language pathologist, or assistant in  
4 speech-language pathology.

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

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

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

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

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

17 (C) a physician assistant licensed under Chapter  
18 204, Occupations Code, or a retired physician assistant who is  
19 eligible to provide health care services under the law of this  
20 state;

21 (D) a registered nurse, including an advanced  
22 nurse practitioner, or vocational nurse, licensed under Chapter  
23 301, Occupations Code, or a retired vocational nurse or registered  
24 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;

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; or

3 (L) an audiologist, assistant in audiology,  
4 speech-language pathologist, or assistant in speech-language  
5 pathology licensed under Chapter 401, Occupations Code, or a  
6 retired audiologist, assistant in audiology, speech-language  
7 pathologist, or assistant in speech-language pathology who is  
8 eligible to provide health care services under the laws of this  
9 state.

10 SECTION 2. The changes in law made by this Act apply only to  
11 a cause of action that accrues on or after the effective date of  
12 this Act. An action that accrues before the effective date of this  
13 Act is governed by the law applicable to the action immediately  
14 before the effective date of this Act, and that law is continued in  
15 effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.