

BILL ANALYSIS

Senate Research Center

S.B. 1545
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law grants protection from liability to volunteer health care practitioners who provide medical screenings or physical examinations for patients to participate in school sport programs. However, the law states that the immunity is extended for those who conduct the examinations and screenings "for the purpose of certifying the patient's eligibility." A group of cardiologists in the Houston area have been conducting voluntary heart screenings on athletes in the Cypress-Fairbanks Independent School District athletic program. But the screening is not for certification purposes. The bill would broaden the language in the law to include those health care practitioners who are conducting the screenings solely to determine the patient's health and fitness.

S.B. 1545 amends current law relating to the liability of a volunteer health care practitioner who conducts a physical examination or medical screening of a student athlete.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 91.002, Civil Practice and Remedies Code, to provide that subject to Section 91.003 (Insurance Required), a health practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening of a patient for the purpose of determining the physical health and fitness of the patient, rather than certifying the patient's eligibility, to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient under certain conditions. Sets forth conditions that create immunity from civil liability.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.