

By: Patrick

S.B. No. 1545

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the liability of a volunteer health care practitioner  
3 who conducts a physical examination or medical screening of a  
4 student athlete.

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

6 SECTION 1. Section 91.002, Civil Practice and Remedies  
7 Code, is amended to read as follows:

8 Sec. 91.002. HEALTH CARE PRACTITIONER LIABILITY. Subject  
9 to Section 91.003, a health care practitioner who, without  
10 compensation or expectation of compensation, conducts a physical  
11 examination or medical screening of a patient for the purpose of  
12 determining the physical health and fitness of the patient  
13 [~~certifying the patient's eligibility~~] to participate in a  
14 school-sponsored extracurricular or sporting activity is immune  
15 from civil liability for any act or omission resulting in the death  
16 of or injury to the patient if:

17 (1) the health care practitioner was acting in good  
18 faith and in the course and scope of the health care practitioner's  
19 duties;

20 (2) the health care practitioner commits the act or  
21 omission in the course of conducting the physical examination or  
22 medical screening of the patient;

23 (3) the services provided to the patient are within  
24 the scope of the license of the health care practitioner; and

1           (4) before the health care practitioner conducts the  
2 physical examination or medical screening, the patient or, if the  
3 patient is a minor or is otherwise legally incompetent, the  
4 patient's parent, managing conservator, legal guardian, or other  
5 person with legal responsibility for the care of the patient signs a  
6 written statement that acknowledges:

7                   (A) that the health care practitioner is  
8 conducting a physical examination or medical screening that is not  
9 administered for or in expectation of compensation; and

10                   (B) the limitations on the recovery of damages  
11 from the health care practitioner in connection with the physical  
12 examination or medical screening being performed.

13           SECTION 2. Section 91.002, Civil Practice and Remedies  
14 Code, as amended by this Act, applies only to the death of or injury  
15 to a patient that occurs on or after the effective date of this Act.  
16 The death of or injury to a patient that occurs before the effective  
17 date of this Act is governed by the law in effect immediately before  
18 the effective date of this Act, and that law is continued in effect  
19 for that purpose.

20           SECTION 3. This Act takes effect September 1, 2011.