

## **BILL ANALYSIS**

Senate Research Center  
83R768 TJS-D

S.B. 338  
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State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Social workers are the largest group of Red Cross mental health volunteers. During the aftermath of Hurricanes Katrina, Rita, and Ike, the Texas Chapter of the National Association of Social Workers coordinated the many requests for help from 30 different churches, mass shelters, and agencies, and matched them with social workers from all over Texas.

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, nurses, dentists, et cetera. However, licensed social workers who may provide psychotherapy, assessment, diagnosis, and treatment are not included in the definition of "volunteer health care provider."

S.B. 338 adds a licensed social worker or a retired social worker to the definition of "volunteer health care provider" under the Texas Charitable Immunity and Liability Act of 1987. This addition will protect social workers as volunteers from civil liability, thereby encouraging volunteers to perform essential services on behalf of charitable organizations in a time of need.

As proposed, S.B. 338 amends current law relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

### **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 84.003(5), Civil Practice and Remedies Code, to redefine "volunteer health care provider" to include a social worker licensed under Chapter 505 (Social Workers), Occupations Code, or a retired social worker who is eligible to engage in the practice of social work under the law of this state.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.