

By: Huffman, Lucio

S.B. No. 752

A BILL TO BE ENTITLED

AN ACT

relating to liability of volunteer health care providers and health care institutions for care, assistance, or advice provided in relation to a disaster.

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

SECTION 1. Chapter 79, Civil Practice and Remedies Code, is amended by adding Section 79.0031 to read as follows:

Sec. 79.0031. LIABILITY OF VOLUNTEER HEALTH CARE PROVIDER OR HEALTH CARE INSTITUTION. (a) In this section:

(1) "Health care institution" has the meaning assigned by Section 74.001.

(2) "Volunteer health care provider" has the meaning assigned by Section 84.003. The term includes an individual who is not affiliated with a charitable organization.

(b) Except in the case of reckless conduct or intentional, wilful, or wanton misconduct, a volunteer health care provider is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice if the care, assistance, or advice is provided:

(1) in relation to an incident that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and

(2) within the scope of the provider's practice under the laws of this state.

1        (c) A health care institution is immune from civil liability  
2 for an act or omission by a volunteer health care provider providing  
3 care, assistance, or advice at the institution's facility or under  
4 the institution's direction if:

5            (1) the provider is immune from civil liability under  
6 Subsection (b); and

7            (2) the institution does not have an expectation of  
8 compensation from or on behalf of the recipient of the care,  
9 assistance, or advice in excess of reimbursement for expenses  
10 incurred by the institution in connection with the provision of the  
11 care, assistance, or advice.

12        (d) The immunity provided by this section is in addition to  
13 any other immunity or limitations of liability provided by law.

14        SECTION 2. Section 79.0031, Civil Practice and Remedies  
15 Code, as added by this Act, does not apply to a cause of action that  
16 accrued before the effective date of this Act.

17        SECTION 3. This Act takes effect September 1, 2019.