

By: Huffman

S.B. No. 752

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of volunteer health care providers and health
3 care institutions for care, assistance, or advice provided in
4 relation to a disaster.

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

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

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

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

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

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

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

23 (2) within the scope of the provider's practice under
24 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.