

SUBJECT: Authorizing physician assistants to provide medical services as volunteers

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Price, Sheffield, Arévalo, Burkett, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

2 absent — Coleman, Collier

WITNESSES: For — Matt Boutte, Texas Academy of Physician Assistants; (*Registered, but did not testify*: Jaime Capelo, Lisa Jackson, and Catherine Judd, Texas Academy of Physician Assistants; Dan Finch, Texas Medical Association; David Reynolds, Texas Osteopathic Medical Association; Irtiza Sheikh)

Against — None

BACKGROUND: Occupations Code, sec. 204.204 requires a physician assistant to be supervised by a supervising physician. Section 204.202 specifies that the practice of a physician assistant includes providing medical services delegated by a supervising physician that are within the education, training, and experience of the physician assistant. Under sec. 204.2045, which governs services performed during a disaster, the supervision and delegation requirements do not apply to uncompensated medical tasks performed by a physician assistant during a state or federal disaster.

Civil Practice and Remedies Code, ch. 84 establishes the Charitable Immunity and Liability Act of 1987.

DIGEST: HB 1978 would specify that the supervision and delegation requirements for physician assistant services did not apply to medical tasks performed by the physician assistant as a volunteer for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair. The bill would amend the title of Occupations Code, sec. 204.2045 to read “Volunteer care and services

performed during a disaster.”

A physician assistant performing medical tasks as a volunteer for a charitable organization or at a public or private event would be acting within the scope of the physician assistant's license for purposes of immunity under provisions of the Texas Charitable Immunity and Liability Act of 1987 governing volunteer liability.

The bill would take effect September 1, 2017, and its provisions would apply only to services performed on or after that date.

**SUPPORTERS
SAY:**

HB 1978 would extend to physician assistants the same liability protections other health professionals receive when volunteering their services. Many health professionals, including physicians, nurses, advanced practice nurses, and dentists are afforded liability protection by the state when they volunteer without compensation for certain charitable purposes, but physician assistants do not have the same protection. This gap in current law thwarts the ability of physician assistants to give back to their community by providing safe, quality care to their fellow citizens.

By allowing physician assistants to have liability protection similar to that of other health professionals, the bill would increase the volunteer pool available to nonprofits, faith-based organizations, and local health care organizations that need non-physician volunteers for indigent health care clinics or to staff a first aid tent during a charity 5K race, for example. Physician assistants are willing to volunteer for these events but do not want to risk the liability of potential court costs for providing medical care outside the scope of their license. The bill would clarify that physician assistants are acting within the scope of their license when providing services as a volunteer.

Physician assistants currently have liability protection during a state emergency or federal disaster, but not when volunteering for a charitable organization or event. By adding physician assistants to the list of health professions afforded liability protection under the Charitable Immunity and Liability Act, the bill would recognize that physician assistants are a

valuable asset to Texas communities.

OPPONENTS
SAY: No apparent opposition.

NOTES: A companion bill, SB 2194 by Buckingham, was referred to the Senate Health and Human Services Committee on March 29.