

BILL ANALYSIS

Senate Research Center
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S.B. 520
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Occupations Code excludes a physician assistant (PA) from medical participation in disaster or emergency scenarios because PAs are limited to "primary site" and "alternate site" practice locations in providing medical care and services.

While the Civil Practice and Remedies Code addresses the issue of liability, it does not address the issue of allowing PAs to practice in a venue that permits practice in a larger emergency situation. A larger emergency could require days of emergency care for large numbers of injured people; PAs would be considered to be practicing medicine outside their site based practice.

As proposed, S.B. 520 permits PAs to practice in an emergency and protects PAs when they provide care in those circumstances. This act is limited to voluntary or gratuitous acts that occur outside the ordinary course of employment or practice. This bill offers immunity for civil damages for any personal injuries that result from acts or omissions by those persons in rendering emergency care which may constitute ordinary negligence, but does not apply to acts or omissions constituting gross, willful, or wanton negligence or when offered in facilities where medical services are normally rendered.

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 74.151, Civil Practice and Remedies Code, by adding Subsection (a-1) as follows:

(a-1) Provides that a physician assistant licensed under Chapter 204, (Physician Assistants) Occupations Code, who in good faith administers emergency care, including by using an automated external defibrillator, at a location other than a place where the physician assistant is authorized by a supervising physician to practice under Section 204.202, (Scope of Practice) Occupations Code, is not liable in civil damages for an act performed during the emergency unless the act is willfully, wantonly, or grossly negligent.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.