

BILL ANALYSIS

Senate Research Center
80R6495 KFF-D

H.B. 2005
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to a United States Bureau of the Census report, approximately five million people are living in Texas without health insurance and approximately 1.2 million of those persons live in the Greater Houston area. Texas is believed to have the highest rate of uninsured residents in the United States. Of the uninsured Texans, approximately 25 percent are children. Consequently, all forms of pro bono health care are needed to help the uninsured in this state. In order to provide free health care, significant numbers of health care volunteers may be needed. Unfortunately, health care volunteers may be reluctant to provide free health care because their malpractice insurance does not cover providing free health care or does not encompass volunteer care outside the facility or clinic in which they work. Similarly, facilities and clinics that are willing to allow their building and equipment to be used for pro bono care are uncomfortable with allowing health care volunteers to participate if the volunteers do not have their own malpractice coverage. As a result, potential health care volunteers are discouraged from volunteering.

The Charitable Immunity and Liability Act provides legal immunity from liability for health care volunteers who, in good faith, deliver free health care. However, this Act currently only specifically covers physicians, physician assistants, nurses, pharmacists, podiatrists, dentists, dental hygienists, and optometrists. This Act does not presently specifically include physical therapists, physical therapist assistants, occupational therapists, or occupational therapy assistants. There is a provision of the current law that covers volunteers generally, but health care providers have been singled out for specific immunity as well. Health care providers who are not listed are concerned that the general language for other volunteers may not encompass their delivery of free health care services.

H.B. 2005 clarifies that physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants are within the definition of volunteer health care provider for the purposes of the Charitable Immunity and Liability Act.

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, by redefining "volunteer health care provider" to include a physical therapist or physical therapist assistant licensed under Chapter 453 (Physical Therapists), Occupations Code, a retired physical therapist or physical therapist assistant who is eligible to provide health care services under the law of this state, an occupational therapist or occupational therapy assistant licensed under Chapter 454 (Occupational Therapists), Occupations Code, or a retired occupational therapist or occupational therapy assistant who is eligible to provide health care services under the law of this state.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.