

## **BILL ANALYSIS**

Senate Research Center  
76R12558 DAK-D

C.S.S.B. 215  
By: Duncan  
Economic Development  
4/28/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the existing volunteer immunity law does not protect all volunteer health care providers. A volunteer serving as an officer, director, or trustee of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury, if the volunteer was acting in the scope of their duties. However, a volunteer health care provider who provides health care services without compensation is liable. C.S.S.B. 215 would clarify the volunteer immunity law to include certain volunteer health care providers who provide health care services without compensation.

### **PURPOSE**

As proposed, C.S.S.B. 215 limits the liability of certain volunteer health care providers.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 84.003, Civil Practice and Remedies Code, by amending Subdivision (2) and adding Subdivision (5), to redefine “volunteer” and “volunteer health care provider.”

SECTION 2. Amends Section 84.004, Civil Practice and Remedies Code, to provide that a volunteer health care provider serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury to a patient under certain circumstances. Makes conforming and nonsubstantive changes.

SECTION 3. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Section 84.003, Civil Practice and Remedies Code, by amending Subdivision (2) and adding Subdivision (5), to redefine “volunteer health care provider.”

#### SECTION 2.

Amends Section 84.004, Civil Practice and Remedies Code, to provide that a volunteer health care provider serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury to a patient under certain circumstances, including if before the volunteer provides health care services, the patient or, if the patient is a minor or is otherwise legally incompetent, the patient’s parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient signs a written statement that acknowledges the limitations on the recovery of damages from the volunteer in

exchange for receiving the health care services. Deletes text regarding uncompensated services.