

BILL ANALYSIS

Senate Research Center
79R13457 JMM-D

C.S.S.B. 520
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State Affairs
4/25/2005
Committee Report (Substituted)

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.

C.S.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 Subchapter E, Chapter 204, Occupations Code, by adding Section 204.2045, as follows:

Sec. 204.2045. SERVICES PERFORMED DURING DISASTER. (a) Provides that the supervision and delegation requirements of this chapter and Subtitle B (Texas State Board of Physician Assistant Examiners) do not apply to medical tasks performed by a physician assistant during a disaster under the state emergency management plan adopted under Section 418.042 (State Emergency Plan), Government Code, or a disaster declared by the governor or United States government. Provides that this section does not apply to medical tasks performed by a physician assistant for compensation or other remuneration.

(b) Provides that a physician assistant performing medical tasks under this section is entitled to the immunity from liability provided by Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code.

(c) Sets forth the provisions by which a physician assistant is authorized to perform tasks described by this section.

(d) Authorizes a physician assistant employed by the United States government or licensed in another state to perform medical tasks in this state in circumstances described by Subsection (a) without holding a license in this state.

SECTION 2. Effective date: upon passage or September 1, 2005.