

BILL ANALYSIS

Senate Research Center
81R3423 CAE-D

H.B. 1995
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Charitable Immunity and Liability Act of 1987 provides that a volunteer health care provider who is serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in injury to a patient under certain circumstances. The statute defines "volunteer health care provider" to include physicians and dentists, among others. However, speech-language pathologists and audiologists are not included in the definition of "volunteer health care provider."

This bill establishes that a volunteer audiologist or speech-language pathologist who conducts a speech, language, or hearing evaluation or screening is immune from certain civil liabilities for any act or omission resulting in the death of or injury to the patient.

H.B. 1995 relates to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 91A, as follows:

CHAPTER 91A. LIABILITY OF VOLUNTEER AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Sec. 91A.001. DEFINITIONS. Defines "audiologist" and "speech-language pathologist."

Sec. 91A.002. IMMUNITY FROM LIABILITY. Provides that an audiologist or speech-language pathologist who, without compensation or expectation of compensation, conducts a speech, language, or hearing evaluation or screening is immune from civil liability for any act or omission resulting in the death or injury to the patient if the audiologist or speech-language pathologist was acting in good faith and in the course and scope of the audiologist's or speech-language pathologist's duties; the audiologist or speech-language pathologist commits the act or omission in the course of conducting the speech, language, or hearing examination or screening; and the services provided to the patient are within the scope of the license of the audiologist or speech-language pathologist.

Sec. 91A.003. APPLICABILITY. Provides that this chapter does not apply to an act or omission that is intentional, willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

SECTION 2. Makes application of Chapter 91A, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2009.