



Expanding Liability Protections for Volunteer Health Care Professionals and Health Care Facilities Ensures Access to Care in a Disaster



Sen. Joan Huffman
(R-Houston)



Rep. Tom Oliverson
(R-Cypress)

The Texas Hospital Association and Texas Medical Association support **Senate Bill 752/House Bill 1353**, by Sen. Joan Huffman and Rep. Tom Oliverson, to encourage licensed health care professionals in good standing to volunteer their expertise to ensure timely access to essential health care services during disasters, such as a hurricane or terrorist attack.

SB 752/HB 1353 provides liability protection for volunteer health care professionals—unless there is reckless conduct or intentional, willful or wanton misconduct—and the facilities that sponsor the care or assistance during or in the wake of a manmade or natural disaster.

Ensuring timely access to quality health care for all Texans, regardless of location or circumstance, is a priority for THA and TMA.

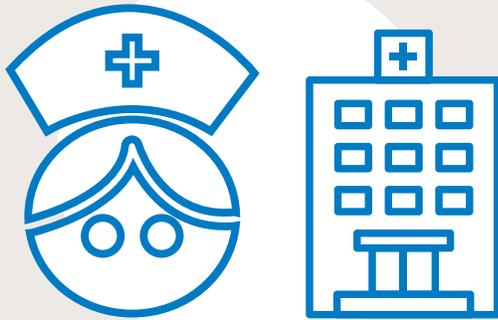
Although existing laws limit liability for volunteer health care professionals who are affiliated with nonprofit organizations and for facilities with nonprofit status, expanding liability protections for volunteer health care professionals and facilities, regardless of their tax status, will ensure more Texans can access needed medical care when a disaster strikes. Texas law should encourage health care professionals to volunteer to provide care with no expectation of compensation, regardless of where that care takes place.

Current Texas law generally limits liability only under the following circumstances.



- Health care professionals volunteering at the direct request of a governmental entity.
- Health care professionals directly volunteering for nonprofit organizations, such as the American Red Cross, that adhere to onerous signature and liability insurance requirements.
- Health care professionals rendering emergency care.
- Health care facilities with nonprofit status.

In the wake of Hurricane Harvey, volunteer health care professionals from around the nation rushed to help, and the need for their services was enormous. However, many health care professionals who were not affiliated with nonprofit organizations ultimately chose not to volunteer for fear of potential liability. Protecting volunteer health care professionals and facilities from liability will mirror the standard that currently applies in emergency departments statewide.



To ensure care delivery in an extraordinary circumstance, liability protections also should be extended for:

- Volunteer health care professionals who are not affiliated with established nonprofit organizations, particularly those who practice out of state.
- Facilities that do not hold a nonprofit status.
- Health care professionals volunteering in conditions where it is unsuitable to utilize a consent form.

Health Care Professionals Covered (active and retired, but eligible to practice):

Audiologists, assistants in audiology, speech-language pathologists and assistants in speech-language pathology.
Dental hygienists.
Dentists.
Nurses, including registered nurses, APRNs and LVNs.
Occupational therapists and occupational therapy assistants.
Optometrists.
Pharmacists.
Physical therapists.
Physician assistants.
Physicians.
Podiatrists.
Social workers.

Facilities Covered:

Ambulatory surgical centers.
Assisted living facilities.
Emergency medical services providers.
Health services districts.
Home and community support services agencies.
Hospices.
Hospitals.
Hospital systems.
Intermediate care facilities for the mentally retarded or a home and community-based services waiver program for persons with mental retardation.