

1 AN ACT

2 relating to liability of certain physical therapists, physical
3 therapist assistants, occupational therapists, and occupational
4 therapy assistants who voluntarily provide health care services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 84.003(5), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (5) "Volunteer health care provider" means an
9 individual who voluntarily provides health care services without
10 compensation or expectation of compensation and who is:

11 (A) an individual who is licensed to practice
12 medicine under Subtitle B, Title 3, Occupations Code;

13 (B) a retired physician who is eligible to
14 provide health care services, including a retired physician who is
15 licensed but exempt from paying the required annual registration
16 fee under Section 156.002, Occupations Code;

17 (C) a physician assistant licensed under Chapter
18 204, Occupations Code, or a retired physician assistant who is
19 eligible to provide health care services under the law of this
20 state;

21 (D) a registered nurse, including an advanced
22 nurse practitioner, or vocational nurse, licensed under Chapter
23 301, Occupations Code, or a retired vocational nurse or registered
24 nurse, including a retired advanced nurse practitioner, who is

1 eligible to provide health care services under the law of this
2 state;

3 (E) a pharmacist licensed under Subtitle J, Title
4 3, Occupations Code, or a retired pharmacist who is eligible to
5 provide health care services under the law of this state;

6 (F) a podiatrist licensed under Chapter 202,
7 Occupations Code, or a retired podiatrist who is eligible to
8 provide health care services under the law of this state;

9 (G) a dentist licensed under Subtitle D, Title 3,
10 Occupations Code, or a retired dentist who is eligible to provide
11 health care services under the law of this state;

12 (H) a dental hygienist licensed under Subtitle D,
13 Title 3, Occupations Code, or a retired dental hygienist who is
14 eligible to provide health care services under the law of this
15 state; ~~[or]~~

16 (I) an optometrist or therapeutic optometrist
17 licensed under Chapter 351, Occupations Code, or a retired
18 optometrist or therapeutic optometrist who is eligible to provide
19 health care services under the law of this state;

20 (J) a physical therapist or physical therapist
21 assistant licensed under Chapter 453, Occupations Code, or a
22 retired physical therapist or physical therapist assistant who is
23 eligible to provide health care services under the law of this
24 state; or

25 (K) an occupational therapist or occupational
26 therapy assistant licensed under Chapter 454, Occupations Code, or
27 a retired occupational therapist or occupational therapy assistant

1 who is eligible to provide health care services under the law of
2 this state.

3 SECTION 2. This Act applies only to a cause of action that
4 accrues on or after the effective date of this Act. An action that
5 accrued before the effective date of this Act is governed by the law
6 in effect when the action accrued, and the former law is continued
7 in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 2005 was passed by the House on April 5, 2007, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2005 was passed by the Senate on May 8, 2007, by the following vote: Yeas 31, Nays 0.

Aetsy Spu
Secretary of the Senate

APPROVED: 25 MAY 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAY 25 2007

Roger Whinnis