

CHAPTER 960

S.B. No. 386

AN ACT

relating to the liability of persons providing emergency care.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 74.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 74.001. LIABILITY FOR EMERGENCY CARE. (a) A person who in good faith administers emergency care at the scene of an emergency *but not* [or] in a hospital or other health care facility or means of medical transport is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent.

(b) This section does not apply to care administered:

(1) for or in expectation of remuneration; or

(2) by a person who was at the scene of the emergency because he or a person he represents as an agent was soliciting business or seeking to perform a service for remuneration[;

~~(3) by a person who regularly administers care in a hospital emergency room; or~~

~~(4) by an admitting physician or a treating physician associated by the admitting physician of the patient bringing a health care liability claim].~~

(c) *If the scene of an emergency is in a hospital or other health care facility or means of medical transport, a person who in good faith administers emergency care is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent, provided that this subsection does not apply to care administered:*

(1) by a person who regularly administers care in a hospital emergency room unless such person is at the scene of the emergency for reasons wholly unrelated to the person's work in administering health care; or

(2) by an admitting or attending physician of the patient or a treating physician associated by the admitting or attending physician of the patient in question.

(d) For purposes of Subsections (b)(1) and (c)(1), a person who would ordinarily receive or be entitled to receive a salary, fee, or other remuneration for administering care under such circumstances to the patient in question shall be deemed to be acting for or in expectation of remuneration even if the person waives or elects not to charge or receive remuneration on the occasion in question.

(e) This section does not apply to a person whose negligent act or omission was a producing cause of the emergency for which care is being administered.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 6, 1993: Yeas 30, Nays 0; passed the House on May 22, 1993, by a non-record vote.

Approved June 19, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.