



Physicians Caring for Texans

House Criminal Jurisprudence Committee
Testimony by Tilden Childs III, MD, Texas Medical Association
House Bill 4762 By Rep. Suleman Lalani, MD
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Good afternoon, my name is Dr. Tilden Childs, and I am radiologist from Fort Worth. On behalf of the Texas Medical Association and its more than 57,000 members and the Texas Radiological Society, we thank Chairman Moody, Vice Chair Cook, and the members of the House Criminal Jurisprudence Committee for the opportunity to testify in support of House Bill 4762.

Physicians, nurses, and other frontline medical workers put their lives on the line every day to serve and care for the most vulnerable patients in our Texas hospitals. During the COVID-19 pandemic the possibility of contracting COVID-19 emphasized the daily risks members of our hospital workforce take. But even before the pandemic, hospital professionals faced and have continued to fight another insidious battle: The battle against workplace violence.

Workplace violence can include an act or threat occurring in the workplace that can involve verbal or physical aggression, threatening, intimidating, harassing, or other threatening or disruptive behaviors of concern involving staff, licensed practitioners, patients, customers, or visitors.

Violence in the health care setting can threaten the delivery of effective patient care, and therefore, overall patient safety. If hospital personnel are to provide quality care, they must have a safe work environment and respectful treatment.

They also must be able to use force in self-defense to protect themselves from harm or injury, should the need arise.

For example, if hospital professional working in the hospital uses force to protect himself or herself while trying to subdue an aggressive patient – and doing so results in injury or harm to that patient – that hospital staff member could be held liable for any injuries or harm caused to the patient. HB 4762 provides important liability protections for that hospital professional in that situation. TMA supports the goal of this bill, which is to provide immunity from liability to hospital personnel for patient injuries that result from use of force by the staff member where, under the circumstances as they reasonably believed them to be, self-defense was justified.

Thank you for the opportunity to testify, and I am happy to answer any questions.