

BILL ANALYSIS

Senate Research Center
78R2562 KCR-D

S.B. 1098
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State Affairs
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DIGEST AND PURPOSE

Under current Texas law, physicians who conduct free sports physicals for students are not exempted from liability for incidents arising from the provision of that service. As proposed, S.B. 1098 makes physicians who conduct physicals for school-sponsored extracurricular and sporting activities without compensation exempt from civil liability for any act or omission resulting in injury to the student patient. S.B. 1098 makes such liability contingent on a number requirements, does not limit certain liability of school districts or insurers, and does not apply to a governmental unit or its employees.

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 91, as follows:

CHAPTER 91. LIABILITY OF VOLUNTEER PHYSICIANS

Sec. 91.001. DEFINITION. Defines "school" for the purposes of this chapter.

Sec. 91.002. PHYSICIAN LIABILITY. Exempts a physician who conducts a physical examination or medical screening of a patient for certain purposes without compensation or expectation of compensation from civil liability for any act or omission resulting in the death of or injury to the patient if certain conditions are met.

Sec. 91.003. INSURANCE REQUIRED. (a) Provides that Section 91.002 applies only to a physician who has liability insurance coverage in effect to cover any act or omission to which this chapter applies. Sets forth the minimum requirements for liability coverage for purposes of this section.

(b) Authorizes the coverage to be provided under a contract of insurance or other plan of insurance and to be satisfied by the purchase of a certain policy.

Sec. 91.004. APPLICABILITY. (a) Provides that this chapter does not apply to certain acts and omissions.

(b) Provides that this chapter does not limit the liability of a school district to its students, teachers, or staff.

(c) Provides that this chapter does not apply to a governmental unit or employee of a governmental unit as defined by Section 101.001.

(d) Provides that this chapter does not limit the liability of an insurer or insurance plan in an action under Chapter 21, Insurance Code, or in an action for bad faith conduct, breach of fiduciary duty, or negligent failure to settle a claim.

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.