

BILL ANALYSIS

Senate Research Center
78R5519 DLF-F

S.B. 1337
By: Hinojosa
State Affairs
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DIGEST AND PURPOSE

In 1995, the Tort Claims Act was amended to extend liability protection to employees of political subdivisions including firemen, policemen, volunteers and officers. However, the legislation specifically excluded health care professionals employed by political subdivisions such as county hospital districts. As proposed, S.B. 1337 repeals the exemption relating to the liability of physicians, health care providers, and hospital district management contractors who provide services for certain governmental entities.

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 Section 102.001(1), Civil Practice and Remedies Code, to redefine "employee" to include a physician licensed in this state who is performing services under a contract with a facility owned or operated by a unit of local government, including a physician who provides emergency or post-emergency stabilization services to patients in a hospital owned or operated by a unit of local government, and the estate of the physician.

SECTION 2. Amends Section 108.001, Civil Practice and Remedies Code, as follows:

Sec. 108.001. DEFINITIONS. (a) Creates this subsection from existing text.

(b) Provides that, notwithstanding Subsection (a)(2), "public servant" includes a physician licensed in this state who is performing services under a contract with a facility owned or operated by a unit of government, including a physician who provides emergency or post-emergency stabilization services to patients in a hospital owned or operated by a unit of government, and the estate of the physician.

SECTION 3. Amends Sections 108.002(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Deletes the phrase "other than a provider of health care as that term is defined in Section 108.002(c)" in relation to a public servant.

(b) Makes a conforming change.

SECTION 4. Amends Section 285.071, Health and Safety Code, to delete from the definition of "hospital district management contractor" the phrases "as a part of a rural health network as defined under 42 U.S.C. Section 1395i-4(g)" and "and that has a population under 50,000" in reference to a hospital district.

SECTION 5. Repealer: Section 108.002(c) (Limitation of Liability), Civil Practice and Remedies Code.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2003.