

By: Eissler

H.B. No. 579

A BILL TO BE ENTITLED

1 AN ACT

2 relating to limiting liability of physicians and health care  
3 providers for charitable care.

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

5 SECTION 1. Subchapter K, Medical Liability and Insurance  
6 Improvement Act of Texas (Article 4590i, Vernon's Texas Civil  
7 Statutes), is amended by adding Section 11.06 to read as follows:

8 Sec. 11.06. LIMITATION ON LIABILITY FOR CHARITABLE  
9 CARE. (a) In an action on a health care liability claim, the  
10 physician or health care provider, other than a hospital, is not  
11 liable for damages arising from providing medical care or health  
12 care and the liability of a hospital is limited to \$500,000 if:

13 (1) the physician or health care provider provides the  
14 care in good faith and without wilful or wanton negligence;

15 (2) the physician or health care provider is providing  
16 care that is not administered for or in expectation of compensation  
17 and the physician or health care provider does not receive a fee or  
18 any other compensation for providing the care; and

19 (3) before the physician or health care provider  
20 provides the care, the patient or, if the patient is a minor or is  
21 otherwise legally incompetent, the patient's parent, managing  
22 conservator, legal guardian, or other person with legal  
23 responsibility for the care of the patient signs a written  
24 statement that acknowledges:

1           (A) that the physician or health care provider is  
2 providing care that is not administered for or in expectation of  
3 compensation; and

4           (B) the limitations on the recovery of damages  
5 from the physician or health care provider in exchange for  
6 receiving the care.

7           (b) Section 11.04 of this subchapter does not apply to this  
8 section.

9           (c) The limitation on liability established by this section  
10 is independent of and in addition to any limitation on liability  
11 that may apply under Chapter 84, Civil Practice and Remedies Code,  
12 or any other law. If more than one ground to limit liability  
13 exists, the defendant is entitled to assert the limit that provides  
14 the defendant the greatest protection from liability.

15           SECTION 2. This Act takes effect September 1, 2003, and  
16 applies only to a cause of action that accrues on or after that  
17 date. An action that accrued before the effective date of this Act  
18 is governed by the law applicable to the action immediately before  
19 the effective date of this Act, and that law is continued in effect  
20 for that purpose.