

By: Gallego

H.B. No. 1281

A BILL TO BE ENTITLED

1 AN ACT

2 relating to indemnification by the state of physicians providing
3 certain health care services.

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

5 SECTION 1. Section 104.001, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
8 of action based on conduct described in Section 104.002, the state
9 shall indemnify the following persons, without regard to whether
10 the persons performed their services for compensation, for actual
11 damages, court costs, and attorney's fees adjudged against:

12 (1) an employee, a member of the governing board, or
13 any other officer of a state agency, institution, or department;

14 (2) a former employee, former member of the governing
15 board, or any other former officer of a state agency, institution,
16 or department who was an employee or officer when the act or
17 omission on which the damages are based occurred;

18 (3) a physician or psychiatrist licensed in this state
19 who was performing services under a contract with any state agency,
20 institution, or department or a racing official performing services
21 under a contract with the Texas Racing Commission when the act or
22 omission on which the damages are based occurred;

23 (4) a chaplain or spiritual advisor who was performing
24 services under contract with the Texas Department of Criminal

1 Justice, the Texas Youth Commission, or the Texas Juvenile
2 Probation Commission when the act or omission on which the damages
3 are based occurred;

4 (5) a person serving on the governing board of a
5 foundation, corporation, or association at the request and on
6 behalf of an institution of higher education, as that term is
7 defined by Section 61.003(8), Education Code, not including a
8 public junior college;

9 (6) a state contractor who signed a waste manifest as
10 required by a state contract; ~~or~~

11 (7) a physician licensed in this state providing
12 health care services to a patient as part of:

13 (A) the medical assistance program under Chapter
14 32, Human Resources Code; or

15 (B) the state child health plan under Chapter 62,
16 Health and Safety Code; or

17 (8) the estate of a person listed in this section.

18 SECTION 2. The heading to Chapter 104, Civil Practice and
19 Remedies Code, is amended to read as follows:

20 CHAPTER 104. STATE LIABILITY FOR CONDUCT OF CERTAIN PERSONS

21 [~~PUBLIC SERVANTS~~]

22 SECTION 3. This Act takes effect September 1, 2003, and
23 applies only to a cause of action that accrues on or after that
24 date. An action that accrued before the effective date of this Act
25 is governed by the law applicable to the action immediately before
26 the effective date of this Act, and that law is continued in effect
27 for that purpose.