

By: Corte

H.B. No. 2841

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of certain emergency medical services personnel and providers.

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

SECTION 1. Section 101.001, Civil Practice and Remedies Code, is amended by amending Subdivision (3) and adding Subdivision (7) to read as follows:

(3) "Governmental unit" means:

(A) this state and all the several agencies of government that collectively constitute the government of this state, including other agencies bearing different designations, and all departments, bureaus, boards, commissions, offices, agencies, councils, and courts;

(B) a political subdivision of this state, including any city, county, school district, junior college district, levee improvement district, drainage district, irrigation district, water improvement district, water control and improvement district, water control and preservation district, freshwater supply district, navigation district, conservation and reclamation district, soil conservation district, communication district, public health district, and river authority;

(C) an emergency service organization and an emergency services provider; and

(D) any other institution, agency, or organ of

1 government the status and authority of which are derived from the
2 Constitution of Texas or from laws passed by the legislature under
3 the constitution.

4 (7) "Emergency services provider" means a provider
5 licensed under Chapter 773, Health and Safety Code, to the extent
6 that the provider is providing 9-1-1 emergency medical services on
7 behalf of a public agency, as that term is defined by Section
8 771.001, Health and Safety Code.

9 SECTION 2. Section 101.023(d), Civil Practice and Remedies
10 Code, is amended to read as follows:

11 (d) Except as provided by Section 773.009, Health and Safety
12 Code, and Section 78.001, liability of an emergency service
13 organization or emergency services provider under this chapter is
14 limited to money damages in a maximum amount of \$100,000 for each
15 person and \$300,000 for each single occurrence for bodily injury or
16 death and \$100,000 for each single occurrence for injury to or
17 destruction of property.

18 SECTION 3. Section 101.062, Civil Practice and Remedies
19 Code, is amended by adding Subsection (c) to read as follows:

20 (c) An emergency services provider is immune from civil
21 liability to the same extent that the public agency on behalf of
22 which the emergency services provider acts would be immune under
23 this section.

24 SECTION 4. Section 1.03(3), Medical Liability and Insurance
25 Improvement Act of Texas (Article 4590i, Vernon's Texas Civil
26 Statutes), is amended to read as follows:

27 (3) "Health care provider" means any person,

1 partnership, professional association, corporation, facility, or
2 institution duly licensed, certified, or chartered by the State of
3 Texas to provide health care as a registered nurse, hospital,
4 dentist, podiatrist, pharmacist, emergency medical services
5 personnel, emergency medical services provider, or nursing home, or
6 an officer, employee, or agent thereof acting in the course and
7 scope of his employment.

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

11 Sec. 11.06. LIMITATION INDEPENDENT AND ADDITIONAL. A
12 limitation on liability established by this subchapter is
13 independent of and in addition to any limitation on liability that
14 may apply under Chapter 101, Civil Practice and Remedies Code, or
15 any other law. If more than one ground to limit liability exists,
16 the defendant is entitled to assert the limit that provides the
17 defendant the greatest protection from liability.

18 SECTION 6. This Act takes effect September 1, 2003, and
19 applies only to a cause of action that accrues on or after that
20 date. An action that accrued before the effective date of this Act
21 is governed by the law applicable to the action immediately before
22 the effective date of this Act, and that law is continued in effect
23 for that purpose.