

By: Janek

S.B. No. 364

A BILL TO BE ENTITLED

AN ACT

relating to the limits on liability for a health care liability claim.

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

SECTION 1. Section 11.02, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsections (e) and (f) to read as follows:

(b) Subsections [~~Subsection~~] (a) and (e) of this section do [~~does~~] not apply to the amount of damages awarded on a health care liability claim for the expenses of necessary medical, hospital, and custodial care received before judgment or required in the future for treatment of the injury.

(e) In an action on a health care liability claim where final judgment is rendered against a physician or health care provider and one or more agents or employees of the physician or health care provider, and where the liability of the physician or health care provider is based exclusively on a theory of vicarious liability for the act or omission of the agents or employees, the combined total civil liability of the physician or health care provider and the agents or employees shall be limited to an amount not to exceed the limit under Subsection (a) of this section, as adjusted under Section 11.04 of this subchapter.

(f) The limit on liability in Subsections (a) and (e) of

1 this section:

2 (1) applies to the final judgment that is rendered
3 against a physician or health care provider in relation to an
4 occurrence of treatment, lack of treatment, or other departure from
5 accepted standards of medical care or health care or safety that
6 resulted in injury to or death of a patient, without regard to the
7 number of health care liability claims filed in relation to the
8 occurrence; and

9 (2) may not be exceeded on the basis that more than one
10 health care liability claim is filed in relation to the occurrence.

11 SECTION 2. This Act takes effect September 1, 2003, and
12 applies only to a claim filed on or after that date. A claim filed
13 before the effective date of this Act is governed by the law
14 applicable to the claim immediately before the effective date of
15 this Act, and that law is continued in effect for that purpose.