

BILL ANALYSIS

C.S.H.B. 2680
By: Branch
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Charity health care clinics that offer basic services to indigent patients relieve pressure from public and non-profit hospital emergency rooms. Retired physicians provide an excellent source of staffing for such charity clinics. This bill is designed to make it easier for retired health care providers to provide charity care. Specifically, it will instruct health care licensing entities to create licenses for retired providers who wish to provide charity care. It will also make liability defense insurance policies available to cover doctors up to the point at which a lawsuit will be discarded under the Charitable Immunities Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Medical Examiners, Texas Board of Chiropractic Examiners, Texas State Board of Podiatric Examiners, Midwifery Board, Texas State Board of Physician Assistant Examiners, Texas State Board of Acupuncture Examiners, State Board of Dental Examiners, Board of Nurse Examiners, Texas Optometry Board, Texas Board of Licensure for Professional Medical Physicists, Texas State Board of Examiners of Perfusionists, Texas Board of Orthotics and Prosthetics and the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Defines "health care practitioner" and "licensing entity." Requires Texas State Board of Medical Examiners, Texas Board of Chiropractic Examiners, Texas State Board of Podiatric Examiners, Midwifery Board, Texas State Board of Physician Assistant Examiners, Texas State Board of Acupuncture Examiners, State Board of Dental Examiners, Board of Nurse Examiners, Texas Optometry Board, Texas Board of Licensure for Professional Medical Physicists, Texas State Board of Examiners of Perfusionists, Texas Board of Orthotics and Prosthetics and the Health and Human Services Commission to adopt rules to offer licenses to retired physicians at reduced fees, continuing education requirements and to promote the provision of health care in medically underserved areas.

SECTION 2. Directs the joint underwriting association to make available a liability defense policy which would offer liability coverage for volunteer health care providers.

SECTION 3 and 4. Allow a Self-Insurance Trust to offer a similar defense policy as that described in the preceding section.

SECTION 5. The joint underwriting association is not required to make the liability insurance policy available before the 181st day after the effective date of this Act.

SECTION 6. States that any policies delivered by the joint underwriting association before the 181st day following the effective date of the act will be governed by the law as it existed before the passage of the Act.

EFFECTIVE DATE

On passage if receives two-thirds vote of all members elected to each house, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2680 79(R)

C.S.H.B. 2680 amends the caption of the bill by striking the words "free health clinics". The substitute further amends the caption by inserting the words "and liability insurance for those practitioners" between the word "areas" and "." on line 3 of the bill.

C.S.H.B. 2680 amends the title to Subchapter B by striking the words "free health clinics".

C.S.H.B. 2680 directs the joint underwriting association to make available, and a Self-Insurance Trust to offer a liability defense policy which would offer liability coverage for volunteer health care providers. C.S.H.B. 2680 also gives the joint underwriting association 181 days to make the liability insurance coverage available. C.S.H.B. 2680 states that if a policy is delivered, issued for delivery, or renewed before the 181st day, it is governed by the previously existing law. C.S.H.B. 2680 removes the option that allows licensing entities to adopt rules regarding the regulation of health care practitioners who provide free health care to indigent patients at health clinics.