

BILL ANALYSIS

S.B. 1510
By: Averitt
County Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, nonprofit management contractors of a hospital owned by a hospital district or a municipality are treated as a governmental unit under the Texas Tort Claims Act. The same protections were not extended to the nonprofit manager of a hospital owned by a county hospital authority.

S.B. 1510 extends certain liability protections to the nonprofit management contractor of a hospital owned by a county hospital authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 264, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. LIABILITY OF NONPROFIT MANAGEMENT CONTRACTOR

Sec. 264.061. DEFINITION. Defines "county hospital authority management contractor."

Sec. 264.062. LIABILITY OF COUNTY HOSPITAL AUTHORITY MANAGEMENT CONTRACTOR. Provides that a county hospital authority management contractor in its management or operation of a hospital under a contract with a county hospital authority is considered a governmental unit for purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code, and any employee of the contractor is, while performing services under the contract for the benefit of the hospital, an employee of the county hospital authority for purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date

EFFECTIVE DATE

September 1, 2005

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 does not make any changes to existing law. The Amendment does change, in SECTION 1 of the original bill, the definition of a "county hospital authority management contractor" to mean a nonprofit corporation, partnership, or sole proprietorship that manages or operates a hospital; rather than a nonprofit corporation, partnership, or sole proprietorship that manages or operates a hospital or provides services under a contract with a county hospital authority.

S.B. 1510 79(R)