

By: Goolsby

H.B. No. 241

A BILL TO BE ENTITLED

AN ACT

relating to professional liability insurance for certain retired physicians acting as volunteer health care providers.

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

SECTION 1. Article 5.15-1, Insurance Code, is amended by adding Section 12 to read as follows:

Sec. 12. COVERAGE FOR RETIRED PHYSICIANS ACTING AS VOLUNTEER HEALTH CARE PROVIDERS. (a) In this section:

(1) "Charitable organization" has the meaning assigned by Section 84.003, Civil Practice and Remedies Code.

(2) "Retired physician" has the meaning described by Section 84.003(5)(B), Civil Practice and Remedies Code.

(3) "Volunteer health care provider" has the meaning assigned by Section 84.003, Civil Practice and Remedies Code.

(b) An insurer may make available professional liability insurance covering a retired physician for an act or omission resulting in death, damage, or injury to a patient while the physician is acting in the course and scope of the physician's duties as a volunteer health care provider as described by Chapter 84, Civil Practice and Remedies Code.

(c) This section does not affect the liability of a retired physician who, as a volunteer health care provider, is serving as a direct service volunteer of a charitable organization. Section 84.004(c), Civil Practice and Remedies Code, applies to the retired

1 physician without regard to whether the physician obtains medical
2 liability insurance under this section.

3 SECTION 2. This Act applies only to a professional
4 liability insurance policy that is delivered, issued for delivery,
5 or renewed on or after the 181st day after the effective date of
6 this Act. A policy delivered, issued for delivery, or renewed
7 before the 181st day after the effective date of this Act is
8 governed by the law as it existed immediately before the effective
9 date of this Act, and that law is continued in effect for that
10 purpose.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.