

By: Goolsby

H.B. No. 242

A BILL TO BE ENTITLED

AN ACT

relating to medical 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 21.49-3, Insurance Code, is amended by adding Section 3C to read as follows:

Sec. 3C. 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) The association shall make available medical liability insurance covering a retired physician for the legal liability of the physician against any loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence in rendering or the failure to render professional service while 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) A retired physician who, as a volunteer health care provider, is serving as a direct service volunteer of a charitable

1 organization is eligible to obtain from the association the medical  
2 liability insurance made available under this section. A retired  
3 physician who obtains coverage under this section is subject to  
4 Section 4A of this article and the other provisions of this article  
5 in the same manner as other physicians who are eligible to obtain  
6 medical liability insurance from the association.

7 (d) This section does not affect the liability of a retired  
8 physician who, as a volunteer health care provider, is serving as a  
9 direct service volunteer of a charitable organization. Section  
10 84.004(c), Civil Practice and Remedies Code, applies to the retired  
11 physician without regard to whether the physician obtains medical  
12 liability insurance under this section.

13 SECTION 2. The joint underwriting association established  
14 under Article 21.49-3, Insurance Code, is not required to make  
15 medical liability insurance available in accordance with Section  
16 3C, Article 21.49-3, Insurance Code, as added by this Act, before  
17 the 181st day after the effective date of this Act.

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