

By: Goolsby

H.B. No. 654

A BILL TO BE ENTITLED

AN ACT

relating to professional liability insurance for 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 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) "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 volunteer health care provider for an act or omission resulting in death, damage, or injury to a patient while the person is acting in the course and scope of the person'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 volunteer health care provider who is serving as a direct service volunteer of a charitable organization. Section 84.004(c), Civil Practice and Remedies Code, applies to the volunteer health care provider without regard to whether the volunteer health care provider obtains liability insurance under this section.

1        (d) An insurer may make professional liability insurance  
2 available under this section to a volunteer health care provider  
3 without regard to whether the volunteer health care provider is a  
4 "health care provider" as defined by Section 2 of this article.

5        SECTION 2. Article 21.49-4(a), Insurance Code, is amended  
6 by adding Subdivisions (4) and (5) to read as follows:

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

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

11        SECTION 3. Article 21.49-4, Insurance Code, is amended by  
12 adding Subsection (c-1) to read as follows:

13            (c-1) The trust, in accordance with Subsection (c) of this  
14 article, may make available professional liability insurance  
15 covering a volunteer health care provider for an act or omission  
16 resulting in death, damage, or injury to a patient while the person  
17 is acting in the course and scope of the person's duties as a  
18 volunteer health care provider as described by Chapter 84, Civil  
19 Practice and Remedies Code. This subsection does not affect the  
20 liability of a volunteer health care provider who is serving as a  
21 direct service volunteer of a charitable organization. Section  
22 84.004(c), Civil Practice and Remedies Code, applies to the  
23 volunteer health care provider without regard to whether the  
24 volunteer health care provider obtains liability insurance under  
25 this subsection. The trust may make professional liability  
26 insurance available under this subsection to a volunteer health  
27 care provider without regard to whether the volunteer health care

1 provider is a physician or dentist.

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

10 SECTION 5. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2005.