

By: Goolsby

H.B. No. 654

A BILL TO BE ENTITLED

1 AN ACT

2 relating to professional liability insurance for volunteer health  
3 care providers.

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

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

7 Sec. 12. COVERAGE FOR VOLUNTEER HEALTH CARE PROVIDERS. (a)

8 In this section:

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

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

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

19 (c) This section does not affect the liability of a  
20 volunteer health care provider who is serving as a direct service  
21 volunteer of a charitable organization. Section 84.004(c), Civil  
22 Practice and Remedies Code, applies to the volunteer health care  
23 provider without regard to whether the volunteer health care  
24 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. This Act applies only to a professional  
6 liability insurance policy that is delivered, issued for delivery,  
7 or renewed on or after the 181st day after the effective date of  
8 this Act. A policy delivered, issued for delivery, or renewed  
9 before the 181st day after the effective date of this Act is  
10 governed by the law as it existed immediately before the effective  
11 date of this Act, and that law is continued in effect for that  
12 purpose.

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