

1-1 By: Goolsby (Senate Sponsor - Deuell) H.B. No. 654  
1-2 (In the Senate - Received from the House April 13, 2005;  
1-3 April 14, 2005, read first time and referred to Committee on State  
1-4 Affairs; May 6, 2005, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to professional liability insurance for volunteer health  
1-9 care providers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 5.15-1, Insurance Code, is amended by  
1-12 adding Section 12 to read as follows:

1-13 Sec. 12. COVERAGE FOR VOLUNTEER HEALTH CARE PROVIDERS.

1-14 (a) In this section:

1-15 (1) "Charitable organization" has the meaning  
1-16 assigned by Section 84.003, Civil Practice and Remedies Code.

1-17 (2) "Volunteer health care provider" has the meaning  
1-18 assigned by Section 84.003, Civil Practice and Remedies Code.

1-19 (b) An insurer may make available professional liability  
1-20 insurance covering a volunteer health care provider for an act or  
1-21 omission resulting in death, damage, or injury to a patient while  
1-22 the person is acting in the course and scope of the person's duties  
1-23 as a volunteer health care provider as described by Chapter 84,  
1-24 Civil Practice and Remedies Code.

1-25 (c) This section does not affect the liability of a  
1-26 volunteer health care provider who is serving as a direct service  
1-27 volunteer of a charitable organization. Section 84.004(c), Civil  
1-28 Practice and Remedies Code, applies to the volunteer health care  
1-29 provider without regard to whether the volunteer health care  
1-30 provider obtains liability insurance under this section.

1-31 (d) An insurer may make professional liability insurance  
1-32 available under this section to a volunteer health care provider  
1-33 without regard to whether the volunteer health care provider is a  
1-34 "health care provider" as defined by Section 2 of this article.

1-35 SECTION 2. Article 21.49-4(a), Insurance Code, is amended  
1-36 by adding Subdivisions (4) and (5) to read as follows:

1-37 (4) "Charitable organization" has the meaning  
1-38 assigned by Section 84.003, Civil Practice and Remedies Code.

1-39 (5) "Volunteer health care provider" has the meaning  
1-40 assigned by Section 84.003, Civil Practice and Remedies Code.

1-41 SECTION 3. Article 21.49-4, Insurance Code, is amended by  
1-42 adding Subsection (c-1) to read as follows:

1-43 (c-1) The trust, in accordance with Subsection (c) of this  
1-44 article, may make available professional liability insurance  
1-45 covering a volunteer health care provider for an act or omission  
1-46 resulting in death, damage, or injury to a patient while the person  
1-47 is acting in the course and scope of the person's duties as a  
1-48 volunteer health care provider as described by Chapter 84, Civil  
1-49 Practice and Remedies Code. This subsection does not affect the  
1-50 liability of a volunteer health care provider who is serving as a  
1-51 direct service volunteer of a charitable organization. Section  
1-52 84.004(c), Civil Practice and Remedies Code, applies to the  
1-53 volunteer health care provider without regard to whether the  
1-54 volunteer health care provider obtains liability insurance under  
1-55 this subsection. The trust may make professional liability  
1-56 insurance available under this subsection to a volunteer health  
1-57 care provider without regard to whether the volunteer health care  
1-58 provider is a physician or dentist.

1-59 SECTION 4. This Act applies only to a professional  
1-60 liability insurance policy that is delivered, issued for delivery,  
1-61 or renewed on or after the 181st day after the effective date of  
1-62 this Act. A policy delivered, issued for delivery, or renewed  
1-63 before the 181st day after the effective date of this Act is  
1-64 governed by the law as it existed immediately before the effective

2-1 date of this Act, and that law is continued in effect for that  
2-2 purpose.

2-3 SECTION 5. This Act takes effect immediately if it receives  
2-4 a vote of two-thirds of all the members elected to each house, as  
2-5 provided by Section 39, Article III, Texas Constitution. If this  
2-6 Act does not receive the vote necessary for immediate effect, this  
2-7 Act takes effect September 1, 2005.

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