

By: Goolsby, Branch

H.B. No. 655

A BILL TO BE ENTITLED

AN ACT

relating to certain 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 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) The association shall make available medical liability insurance or appropriate health care liability insurance covering a volunteer health care provider for the legal liability of the person 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 person's duties as a volunteer health care provider as described by Chapter 84, Civil Practice and Remedies Code.

(c) A volunteer health care provider who is serving as a direct service volunteer of a charitable organization is eligible to obtain from the association the liability insurance made available under this section. A volunteer health care provider who

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

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

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

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

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

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

19 (c-1) The trust, in accordance with Subsection (c) of this
20 article, may make available professional liability insurance
21 covering a volunteer health care provider for an act or omission
22 resulting in death, damage, or injury to a patient while the person
23 is acting in the course and scope of the person's duties as a
24 volunteer health care provider as described by Chapter 84, Civil
25 Practice and Remedies Code. This subsection does not affect the
26 liability of a volunteer health care provider who is serving as a
27 direct service volunteer of a charitable organization. Section

1 84.004(c), Civil Practice and Remedies Code, applies to the
2 volunteer health care provider without regard to whether the
3 volunteer health care provider obtains liability insurance under
4 this subsection. The trust may make professional liability
5 insurance available under this subsection to a volunteer health
6 care provider without regard to whether the volunteer health care
7 provider is a physician or dentist.

8 SECTION 4. Section 156.002, Occupations Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) A retired physician whose only practice is voluntary
11 medical care for a disaster relief organization is exempt from the
12 registration permit fee requirement.

13 SECTION 5. The joint underwriting association established
14 under Article 21.49-3, Insurance Code, is not required to make
15 liability insurance available in accordance with Section 3C,
16 Article 21.49-3, Insurance Code, as added by this Act, before the
17 181st day after the effective date of this Act.

18 SECTION 6. This Act applies only to a professional
19 liability insurance policy that is delivered, issued for delivery,
20 or renewed on or after the 181st day after the effective date of
21 this Act. A policy delivered, issued for delivery, or renewed
22 before the 181st day after the effective date of this Act is
23 governed by the law as it existed immediately before the effective
24 date of this Act, and that law is continued in effect for that
25 purpose.

26 SECTION 7. The change in law made by Section 156.002(c),
27 Occupations Code, as added by this Act, applies only to a

1 registration permit fee that becomes due on or after the effective
2 date of this Act. A registration permit fee that becomes due before
3 that date is governed by the law in effect on the date the fee became
4 due, and the former law is continued in effect for that purpose.

5 SECTION 8. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.