

By: Goolsby

H.B. No. 655

A BILL TO BE ENTITLED

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AN ACT

relating to liability insurance for 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

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

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

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

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