

1-1 By: Goolsby, Branch H.B. No. 655
1-2 (Senate Sponsor - Deuell)
1-3 (In the Senate - Received from the House April 14, 2005;
1-4 April 18, 2005, read first time and referred to Committee on State
1-5 Affairs; May 6, 2005, reported favorably by the following vote:
1-6 Yeas 9, Nays 0; May 6, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to certain volunteer health care providers.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 21.49-3, Insurance Code, is amended by
1-12 adding Section 3C to read as follows:

1-13 Sec. 3C. COVERAGE FOR VOLUNTEER HEALTH CARE PROVIDERS. (a)
1-14 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) The association shall make available medical liability
1-20 insurance or appropriate health care liability insurance covering a
1-21 volunteer health care provider for the legal liability of the
1-22 person against any loss, damage, or expense incident to a claim
1-23 arising out of the death or injury of any person as the result of
1-24 negligence in rendering or the failure to render professional
1-25 service while acting in the course and scope of the person's duties
1-26 as a volunteer health care provider as described by Chapter 84,
1-27 Civil Practice and Remedies Code.

1-28 (c) A volunteer health care provider who is serving as a
1-29 direct service volunteer of a charitable organization is eligible
1-30 to obtain from the association the liability insurance made
1-31 available under this section. A volunteer health care provider who
1-32 obtains coverage under this section is subject to Section 4A of this
1-33 article and the other provisions of this article in the same manner
1-34 as physicians who are eligible to obtain medical liability
1-35 insurance from the association.

1-36 (d) This section does not affect the liability of a
1-37 volunteer health care provider who is serving as a direct service
1-38 volunteer of a charitable organization. Section 84.004(c), Civil
1-39 Practice and Remedies Code, applies to the volunteer health care
1-40 provider without regard to whether the volunteer health care
1-41 provider obtains liability insurance under this section.

1-42 SECTION 2. Article 21.49-4(a), Insurance Code, is amended
1-43 by adding Subdivisions (4) and (5) to read as follows:

1-44 (4) "Charitable organization" has the meaning
1-45 assigned by Section 84.003, Civil Practice and Remedies Code.

1-46 (5) "Volunteer health care provider" has the meaning
1-47 assigned by Section 84.003, Civil Practice and Remedies Code.

1-48 SECTION 3. Article 21.49-4, Insurance Code, is amended by
1-49 adding Subsection (c-1) to read as follows:

1-50 (c-1) The trust, in accordance with Subsection (c) of this
1-51 article, may make available professional liability insurance
1-52 covering a volunteer health care provider for an act or omission
1-53 resulting in death, damage, or injury to a patient while the person
1-54 is acting in the course and scope of the person's duties as a
1-55 volunteer health care provider as described by Chapter 84, Civil
1-56 Practice and Remedies Code. This subsection does not affect the
1-57 liability of a volunteer health care provider who is serving as a
1-58 direct service volunteer of a charitable organization. Section
1-59 84.004(c), Civil Practice and Remedies Code, applies to the
1-60 volunteer health care provider without regard to whether the
1-61 volunteer health care provider obtains liability insurance under
1-62 this subsection. The trust may make professional liability
1-63 insurance available under this subsection to a volunteer health
1-64 care provider without regard to whether the volunteer health care

2-1 provider is a physician or dentist.

2-2 SECTION 4. Section 156.002, Occupations Code, is amended by
2-3 adding Subsection (c) to read as follows:

2-4 (c) A retired physician whose only practice is voluntary
2-5 medical care for a disaster relief organization is exempt from the
2-6 registration permit fee requirement.

2-7 SECTION 5. The joint underwriting association established
2-8 under Article 21.49-3, Insurance Code, is not required to make
2-9 liability insurance available in accordance with Section 3C,
2-10 Article 21.49-3, Insurance Code, as added by this Act, before the
2-11 181st day after the effective date of this Act.

2-12 SECTION 6. This Act applies only to a professional
2-13 liability insurance policy that is delivered, issued for delivery,
2-14 or renewed on or after the 181st day after the effective date of
2-15 this Act. A policy delivered, issued for delivery, or renewed
2-16 before the 181st day after the effective date of this Act is
2-17 governed by the law as it existed immediately before the effective
2-18 date of this Act, and that law is continued in effect for that
2-19 purpose.

2-20 SECTION 7. The change in law made by Section 156.002(c),
2-21 Occupations Code, as added by this Act, applies only to a
2-22 registration permit fee that becomes due on or after the effective
2-23 date of this Act. A registration permit fee that becomes due before
2-24 that date is governed by the law in effect on the date the fee became
2-25 due, and the former law is continued in effect for that purpose.

2-26 SECTION 8. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2005.

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