

By: Nixon

H.B. No. 736

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to updating citations in Chapter 84, Civil Practice and  
3 Remedies Code.

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

5 SECTION 1. Section 84.007(e), Civil Practice and Remedies  
6 Code, is amended to read as follows:

7 (e) Sections 84.005 and 84.006 of this chapter do not apply  
8 to a health care provider as defined in Section 74.001 [~~the Medical~~  
9 ~~Liability and Insurance Improvement Act of Texas (Article 4590i,~~  
10 ~~Vernon's Texas Civil Statutes)~~], unless the provider is a federally  
11 funded migrant or community health center under the Public Health  
12 Service Act (42 U.S.C.A. Sections 254b [~~254(b)~~] and 254c [~~(c)~~]) or  
13 is a nonprofit health maintenance organization created and operated  
14 by a community center under Section 534.101, Health and Safety  
15 Code, or unless the provider usually provides discounted services  
16 at or below costs based on the ability of the beneficiary to pay.  
17 Acceptance of Medicare or Medicaid payments will not disqualify a  
18 health care provider under this section. In no event shall Sections  
19 84.005 and 84.006 of this chapter apply to a general hospital or  
20 special hospital as defined in Chapter 241, Health and Safety Code,  
21 or a facility or institution licensed under Subtitle C, Title 7,  
22 Health and Safety Code, or Chapter 242, Health and Safety Code, or  
23 to any health maintenance organization created and operating under  
24 Chapter 843, Insurance Code, except for a nonprofit health

1 maintenance organization created under Section 534.101, Health and  
2 Safety Code.

3 SECTION 2. This Act applies only to a cause of action that  
4 accrues on or after the effective date of this Act. An action that  
5 accrued before the effective date of this Act is governed by the law  
6 applicable to the action immediately before the effective date of  
7 this Act, and that law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2005.