

By: Branch

H.B. No. 2680

Substitute the following for H.B. No. 2680:

By: Laubenberg

C.S.H.B. No. 2680

A BILL TO BE ENTITLED

AN ACT

relating to services provided by health care practitioners to charities and medically underserved areas and liability insurance for those practitioners.

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

SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. GENERAL LICENSING REQUIREMENTS APPLICABLE

TO MULTIPLE HEALTH CARE PRACTITIONERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.001. DEFINITIONS. In this chapter:

(1) "Health care practitioner" means an individual issued a license, certificate, registration, title, permit, or other authorization to engage in a health care profession.

(2) "Licensing entity" means a department, commission, board, office, authority, or other agency of the state that regulates activities and persons under this title.

Sec. 112.002. APPLICABILITY. This chapter applies only to licensing entities and health care practitioners under Subtitles B, C, D, E, F, and K.

[Sections 112.003-112.050 reserved for expansion]

SUBCHAPTER B. SERVICES PROVIDED TO CHARITIES AND

MEDICALLY UNDERSERVED AREAS

Sec. 112.051. REDUCED LICENSE REQUIREMENTS FOR RETIRED

1 HEALTH CARE PRACTITIONERS PERFORMING CHARITY WORK. (a) Each  
2 licensing entity shall adopt rules providing for reduced fees and  
3 continuing education requirements for a retired health care  
4 practitioner whose only practice is voluntary charity care.

5 (b) The licensing entity by rule shall define voluntary  
6 charity care.

7 Sec. 112.052. MEDICALLY UNDERSERVED AREAS. A licensing  
8 entity may adopt rules to promote the provision of health care in  
9 medically underserved areas.

10 SECTION 2. Article 21.49-3, Insurance Code, is amended by  
11 adding Section 3C to read as follows:

12 Sec. 3C. COVERAGE FOR VOLUNTEER HEALTH CARE PROVIDERS. (a)  
13 In this section:

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

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

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

27 (c) A volunteer health care provider who is serving as a

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

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

14 SECTION 3. Subsection (a), Article 21.49-4, Insurance Code,  
15 is amended by adding Subdivisions (4) and (5) to read as follows:

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

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

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

22 (c-1) The trust, in accordance with Subsection (c) of this  
23 article, may make available professional liability insurance  
24 covering a volunteer health care provider for an act or omission  
25 resulting in death, damage, or injury to a patient while the person  
26 is acting in the course and scope of the person's duties as a  
27 volunteer health care provider as described by Chapter 84, Civil

1 Practice and Remedies Code. This subsection does not affect the  
2 liability of a volunteer health care provider who is serving as a  
3 direct service volunteer of a charitable organization. Section  
4 84.004(c), Civil Practice and Remedies Code, applies to the  
5 volunteer health care provider without regard to whether the  
6 volunteer health care provider obtains liability insurance under  
7 this subsection. The trust may make professional liability  
8 insurance available under this subsection to a volunteer health  
9 care provider without regard to whether the volunteer health care  
10 provider is a physician or dentist.

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

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

24 SECTION 7. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.