

BILL ANALYSIS

Senate Research Center
80R745 CAE-D

S.B. 53
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, an employer institution is not held liable for a mental health services provider's sexual exploitation of a patient unless the employer has reason to believe that the abuse would occur. Because the current statute describes the victim as "the person" instead of "a" or "any" person, "reason to believe" can only be established if the mental health services provider abused the same person twice. Therefore, under current law, a mental health services provider could continue to abuse into perpetuity without any liability assigned to the perpetrator's employer as long as the mental health services provider does not victimize the same person twice.

As proposed, S.B. 53 provides that an institution will be held liable if there is reason to believe that a mental health provider sexually exploited any patient, rather than the same patient twice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 81.003(a) and (b), Civil Practice and Remedies Code, as follows:

- (a) Provides that in addition to being liable for damages, in certain instances, to a patient or former patient who is sexually exploited by a mental health services provider, an employer of the provider is liable for damages if the employer knows or has reason to know that the provider engaged in the sexual exploitation of any other patient or former patient and failed to take certain actions.
- (b) Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.