

By: Zaffirini

S.B. No. 53

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the civil liability of an employer or former employer of
3 a mental health services provider who engages in the sexual
4 exploitation of a patient or former patient.

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

6 SECTION 1. Sections 81.003(a) and (b), Civil Practice and
7 Remedies Code, are amended to read as follows:

8 (a) An employer of a mental health services provider is
9 liable to a patient or former patient of the mental health services
10 provider for damages if the patient or former patient is injured as
11 described by Section 81.002 and the employer:

12 (1) fails to make inquiries of an employer or former
13 employer, whose name and address have been disclosed to the
14 employer and who employed the mental health services provider as a
15 mental health services provider within the five years before the
16 date of disclosure, concerning the possible occurrence of sexual
17 exploitation by the mental health services provider of patients or
18 former patients of the mental health services provider; or

19 (2) knows or has reason to know that the mental health
20 services provider engaged in the sexual exploitation of the patient
21 or former patient or any other patient or former patient and the
22 employer failed to:

23 (A) report the suspected sexual exploitation as
24 required by Section 81.006; or

1 (B) take necessary action to prevent or stop the
2 sexual exploitation by the mental health services provider.

3 (b) An employer or former employer of a mental health
4 services provider is liable to a patient or former patient of the
5 mental health services provider for damages if the patient or
6 former patient is injured as described by Section 81.002 and the
7 employer or former employer:

8 (1) knows of the occurrence of [~~the~~] sexual
9 exploitation by the mental health services provider of a [~~the~~]
10 patient or former patient;

11 (2) receives a specific request by an employer or
12 prospective employer of the mental health services provider,
13 engaged in the business of providing mental health services,
14 concerning the possible existence or nature of sexual exploitation
15 by the mental health services provider; and

16 (3) fails to disclose the occurrence of the sexual
17 exploitation.

18 SECTION 2. The changes in law made by this Act apply only to
19 a cause of action that accrues on or after the effective date of
20 this Act. A cause of action that accrues before the effective date
21 of this Act is governed by the law in effect on the date the cause of
22 action accrues, and that law is continued in effect for this
23 purpose.

24 SECTION 3. 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, 2007.