

By: Howard of Travis

H.B. No. 1373

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the waiver of sovereign immunity for claims based on
3 retaliation against a nurse for engaging in protected patient
4 advocacy activities.

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

6 SECTION 1. Section 301.413, Occupations Code, is amended by
7 adding Subsections (g) and (h) to read as follows:

8 (g) A nurse alleging a violation of Subsection (b) who is
9 employed by or on behalf of a state or local governmental entity, or
10 who contracts with a state or local governmental entity, to provide
11 nursing care may sue the state or local governmental entity for the
12 relief provided by this section, and the sovereign immunity of the
13 state or local governmental entity from suit and from liability is
14 waived for the limited purpose of allowing the nurse to maintain a
15 lawsuit in state court to obtain that relief. In this section,
16 "local governmental entity," "public employee," and "state
17 governmental entity" have the meanings assigned by Section 554.001,
18 Government Code.

19 (h) The provisions of Section 554.003, Government Code,
20 relating to the type of relief and the amount of damages available
21 to a public employee apply to a lawsuit under Subsection (g). The
22 relief provided by this section is in addition to any other remedies
23 a nurse may have under state or federal law as a public employee.

24 SECTION 2. The change in law made by this Act to Section

1 301.413, Occupations Code, applies to an action commenced on or
2 after the effective date of this Act. An action commenced before
3 the effective date of this Act is governed by the law as it existed
4 immediately before the effective date of this Act, and that law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2009.