

By: Legler

H.B. No. 1962

A BILL TO BE ENTITLED

AN ACT

relating to the liability of and legal fees for a trustee of certain facilities.

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

SECTION 1. Subchapter D, Chapter 242, Health and Safety Code, is amended by adding Section 242.0947 to read as follows:

Sec. 242.0947. LIMITATION ON CIVIL LIABILITY. A person appointed as trustee under Section 242.094 is not liable for civil damages for an action made in good faith in the official scope of the trustee's duties.

SECTION 2. Section 242.095, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The trustee is entitled to payment for reasonable legal fees incurred by the trustee in fulfilling the trustee's responsibilities.

SECTION 3. Section 242.096, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A trustee of a home may use the emergency assistance funds to pay for reasonable legal fees incurred by the trustee in fulfilling the trustee's responsibilities. A court may order the department to disburse emergency assistance funds to a trustee to pay for reasonable legal fees incurred by the trustee in fulfilling the trustee's responsibilities.

SECTION 4. Section 242.0965, Health and Safety Code, is

1 amended by adding Subsection (c-1) to read as follows:

2 (c-1) A trustee of an assisted living facility may use the
3 emergency assistance funds to pay for reasonable legal fees
4 incurred by the trustee in fulfilling the trustee's
5 responsibilities. A court may order the department to disburse
6 emergency assistance funds to a trustee to pay for reasonable legal
7 fees incurred by the trustee in fulfilling the trustee's
8 responsibilities.

9 SECTION 5. Subchapter D, Chapter 252, Health and Safety
10 Code, is amended by adding Section 252.0935 to read as follows:

11 Sec. 252.0935. LIMITATION ON CIVIL LIABILITY. A person
12 appointed as trustee under Section 252.093 is not liable for civil
13 damages for an action made in good faith in the official scope of
14 the trustee's duties.

15 SECTION 6. Section 252.095, Health and Safety Code, is
16 amended by adding Subsection (e) to read as follows:

17 (e) A trustee may use the emergency assistance funds to pay
18 for reasonable legal fees incurred by the trustee in fulfilling the
19 trustee's responsibilities. A court may order the department to
20 disburse emergency assistance funds to a trustee to pay for
21 reasonable legal fees incurred by the trustee in fulfilling the
22 trustee's responsibilities.

23 SECTION 7. (a) Sections 242.0947 and 252.0935, Health and
24 Safety Code, as added by this Act, apply only to an act by a trustee
25 that occurs on or after the effective date of this Act. An act that
26 occurred before the effective date of this Act is governed by the
27 law in effect when the act occurred, and the former law is continued

1 in effect for that purpose.

2 (b) Sections 242.095, 242.096, 242.0965, and 252.095,
3 Health and Safety Code, as amended by this Act, apply only to legal
4 fees incurred by a trustee on or after the effective date of this
5 Act. Legal fees incurred by a trustee before the effective date of
6 this Act are governed by the law in effect when the fees were
7 incurred, and the former law is continued in effect for that
8 purpose.

9 SECTION 8. This Act takes effect September 1, 2009.