

By: Howard of Travis

H.B. No. 2719

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a limited waiver of sovereign immunity for state and
3 local governmental entities in certain employment lawsuits filed by
4 nurses.

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 Subsection (g) to read as follows:

8 (g) A nurse employed by a hospital operated by or on behalf
9 of a state or local governmental entity who alleges a violation of
10 Subsection (b) may sue the state or local governmental entity for
11 the relief provided by this section and the sovereign immunity of
12 the state or local governmental entity from suit and from liability
13 is waived for the limited purpose of allowing the nurse to maintain
14 a lawsuit in state court to obtain that relief. The provisions of
15 Section 554.003, Government Code, relating to the type of relief
16 and the amount of damages available to a public employee apply to a
17 lawsuit under this subsection. The relief provided by this section
18 is in addition to any other remedies a nurse may have under state or
19 federal law as a public employee. In this subsection:

20 (1) "Local governmental entity," "public employee,"
21 and "state governmental entity" have the meanings assigned by
22 Section 554.001, Government Code.

23 (2) "Hospital" has the meaning assigned by Section
24 241.003, Health and Safety Code, and includes a mental hospital

1 licensed under Chapter 577, Health and Safety Code.

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

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