

By: Howard of Travis

H.B. No. 884

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, credentialed, privileged, or  
9 otherwise authorized to practice at a facility owned or operated by  
10 or on behalf of a state or local governmental entity who alleges a  
11 violation of Subsection (b) may sue the state or local governmental  
12 entity for the relief provided by this section, and the sovereign  
13 immunity of the state or local governmental entity from suit and  
14 from liability is waived for the limited purpose of allowing the  
15 nurse to maintain a lawsuit in state court to obtain that relief.  
16 The provisions of Section 554.003, Government Code, relating to the  
17 type of relief and the amount of damages available to a public  
18 employee apply to a lawsuit under this subsection. The relief  
19 provided by this section is in addition to any other remedies a  
20 nurse may have under state or federal law as a public employee. In  
21 this subsection, "local governmental entity," "public employee,"  
22 and "state governmental entity" have the meanings assigned by  
23 Section 554.001, Government Code.

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, 2011.