

By: Howard

H.B. No. 581

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 relief under this section, and the sovereign immunity of the state  
12 or local governmental entity from suit and from liability is waived  
13 for the limited purpose of allowing the nurse to maintain a lawsuit  
14 in state court to obtain that relief. The provisions of Section  
15 554.003, Government Code, relating to the type of relief and the  
16 amount of damages available to a public employee apply to a lawsuit  
17 under this subsection. Relief under this section is in addition to  
18 any other remedies a nurse may have under state or federal law as a  
19 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, 2013.