

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB581** by Howard (Relating to the waiver of sovereign immunity in certain employment lawsuits by nurses and in certain employment discrimination actions in connection with a workers' compensation claim.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Occupations Code, Chapter 301 to waive sovereign immunity in lawsuits where a nurse employed by a state or local government operated hospital alleges unlawful retaliation. To qualify for relief from a lawsuit regarding retaliation for reporting the alleged violation, the nurse would have to meet certain standards in reporting, such as making a violation reporting to a supervisor or another authorized person. The bill would require that a nurse employed by a state agency or local government seek relief within 90 days on an action and use the grievance procedure in place at his or her employer before filing a lawsuit. The bill would require that cases against state agencies be processed in Travis County, and that cases against local government be processed in the county where all or a part of that governmental entity is located.

The change in law made to the Occupations Code applies to an action commenced on or after the effective date of the bill. The bill takes effect September 1, 2013.

Multiple agencies including the Office of the Attorney General, Office of Court Administration, the Department of State Health Services, the Texas Board of Nursing, and the Texas Department of Criminal Justice anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. For higher education, the Texas A&M University System and the University of Texas System anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

To the extent that local governments owning or operating facilities that employ nurses are sued under the bill, there may be costs associated with this bill that would vary depending on the number of future cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 320 Texas Workforce Commission, 405 Department of Public Safety, 454 Department of Insurance, 479 State Office of Risk Management, 507 Texas Board of Nursing, 537 State Health Services, Department of, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

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