

BILL ANALYSIS

C.S.H.B. 1592
By: Smithee
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that the authority of certain public university systems to operate self-insurance liability coverage does not extend to certain health care professionals, which may increase costs and result in the systems not being able to support their employees at critical times. C.S.H.B. 1592 seeks to address these concerns by making health care liability self-insurance more flexible for certain public university systems.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1592 amends the Education Code to broaden the applicability of statutory provisions relating to medical professional liability coverage requirements for staff members or students of certain public institutions of higher education to include:

- staff members belonging to additional health care professions, including physician assistants, nurses, and pharmacists;
- full-time employees and appointees and part-time appointees and volunteers who devote their professional service to providing health services or services to patients by assignment; and
- students of any health care profession that requires a state license, certification, or authorization.

The bill includes the Texas State University System and the University of Houston System among the university systems to which such medical professional liability coverage requirements apply. The bill replaces references to medical malpractice insurance and medical malpractice claims in applicable statutory provisions with references, respectively, to health care liability insurance and health care liability claims. The bill revises the definition of "health care liability claim" for purposes of those provisions to mean a cause of action against a physician or health care professional for treatment, lack of treatment, or other claimed departure from accepted standards of medical care, health care, or veterinary care, or safety or professional or administrative services directly related to health care, which proximately results in injury to or death of a patient, whether the claim or cause of action sounds in tort or contract.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1592 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the Texas State University System and the University of Houston System as additional university systems to which statutory provisions relating to medical professional liability coverage requirements apply.