

BILL ANALYSIS

H.B. 1914
By: Schofield
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, the standard of care is determined to be the generally accepted method used by other area doctors on similarly situated patients with similar conditions expected of a health care facility. However, in the case of an isolation unit specifically for children, the standard of care is difficult or impossible to compare to that of a reasonably prudent practitioner treating similar patients because very few of these units currently exist in North America. In times of highly infectious outbreaks like COVID-19 and the Ebola virus, Texas needs to rely on its only children's special isolation unit, which operates not only at a reasonable standard of care but also provides an exceptionally high standard for care and infectious care techniques. In order to serve vulnerable children without fear of unwarranted litigation, this special isolation unit needs to be free of lawsuits that would face a health care facility that operates at normal, reasonable standards. H.B. 1914 seeks to address this issue by providing a limitation on the civil liability of a children's isolation unit in a hospital.

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

H.B. 1914 amends the Health and Safety Code to exempt a children's isolation unit in a licensed hospital that is designed to provide health care services to children with highly contagious infectious diseases and that has instituted isolation protocols from civil liability for any claim, damage, or loss arising from the provision of those services, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or wilful misconduct.

EFFECTIVE DATE

September 1, 2021.