

## **BILL ANALYSIS**

Senate Research Center  
88R3438 SCL-D

S.B. 299  
By: Hall  
Health & Human Services  
3/20/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

When a patient experiences a healthcare emergency and ends up being admitted to the hospital, there is no guarantee that their personal doctor will be allowed to oversee their treatment.

This was especially relevant during the COVID-19 pandemic when, with vastly different approaches to the treatment of COVID-19, patients carefully searched and chose providers whose values aligned with their own, yet when they needed this care the most, patients were most often denied access to that provider after being admitted to the hospital.

This bill would require that hospitals allow a physician, at the request of the patient, to provide treatment to that patient, and would provide liability immunity to hospitals when a visiting physician is treating a patient in the hospital and does not have privileges at that hospital.

As proposed, S.B. 299 amends current law relating to health care services provided at a hospital by a physician who is not a member of the hospital's medical staff and the hospital's liability for health care services provided by such a physician.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 241, Health and Safety Code, by adding Section 241.1013, as follows:

Sec. 241.1013. SERVICES PROVIDED BY PHYSICIAN NOT ON MEDICAL STAFF; LIMIT ON HOSPITAL LIABILITY. (a) Requires a hospital to allow a physician who is not a member of the hospital's medical staff to provide care or treatment to a patient at the hospital at the patient's request.

(b) Provides that a hospital is not liable to a patient or another person for damages resulting from the care or treatment provided to the patient at the hospital by a physician described by Subsection (a), notwithstanding any other law.

SECTION 2. Makes application of Section 241.1013(b), Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.