

1 AN ACT

2 relating to services provided by health care practitioners to
3 charities and liability insurance for those practitioners.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle A, Title 3, Occupations Code, is
6 amended by adding Chapter 112 to read as follows:

7 CHAPTER 112. GENERAL LICENSING REQUIREMENTS APPLICABLE

8 TO MULTIPLE HEALTH CARE PRACTITIONERS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 112.001. DEFINITIONS. In this chapter:

11 (1) "Health care practitioner" means an individual
12 issued a license, certificate, registration, title, permit, or
13 other authorization to engage in a health care profession.

14 (2) "Licensing entity" means a department,
15 commission, board, office, authority, or other agency of the state
16 that regulates activities and persons under this title.

17 Sec. 112.002. APPLICABILITY. This chapter applies only to
18 licensing entities and health care practitioners under Chapters
19 401, 453, and 454 and Subtitles B, C, D, E, F, and K.

20 [Sections 112.003-112.050 reserved for expansion]

21 SUBCHAPTER B. SERVICES PROVIDED TO CHARITIES

22 Sec. 112.051. REDUCED LICENSE REQUIREMENTS FOR RETIRED
23 HEALTH CARE PRACTITIONERS PERFORMING CHARITY WORK. (a) Each
24 licensing entity shall adopt rules providing for reduced fees and

1 continuing education requirements for a retired health care
2 practitioner whose only practice is voluntary charity care.

3 (b) The licensing entity by rule shall define voluntary
4 charity care.

5 SECTION 2. Article 21.49-3, Insurance Code, is amended by
6 adding Section 3C to read as follows:

7 Sec. 3C. COVERAGE FOR VOLUNTEER HEALTH CARE PROVIDERS. (a)
8 In this section:

9 (1) "Charitable organization" has the meaning
10 assigned by Section 84.003, Civil Practice and Remedies Code.

11 (2) "Volunteer health care provider" has the meaning
12 assigned by Section 84.003, Civil Practice and Remedies Code.

13 (b) The association shall make available medical liability
14 insurance or appropriate health care liability insurance covering a
15 volunteer health care provider for the legal liability of the
16 person against any loss, damage, or expense incident to a claim
17 arising out of the death or injury of any person as the result of
18 negligence in rendering or the failure to render professional
19 service while acting in the course and scope of the person's duties
20 as a volunteer health care provider as described by Chapter 84,
21 Civil Practice and Remedies Code.

22 (c) A volunteer health care provider who is serving as a
23 direct service volunteer of a charitable organization is eligible
24 to obtain from the association the liability insurance made
25 available under this section. A volunteer health care provider who
26 obtains coverage under this section is subject to Section 4A of this
27 article and the other provisions of this article in the same manner

1 as physicians who are eligible to obtain medical liability
2 insurance from the association.

3 (d) This section does not affect the liability of a
4 volunteer health care provider who is serving as a direct service
5 volunteer of a charitable organization. Section 84.004(c), Civil
6 Practice and Remedies Code, applies to the volunteer health care
7 provider without regard to whether the volunteer health care
8 provider obtains liability insurance under this section.

9 SECTION 3. Subsection (a), Article 21.49-4, Insurance Code,
10 is amended by adding Subdivisions (4) and (5) to read as follows:

11 (4) "Charitable organization" has the meaning
12 assigned by Section 84.003, Civil Practice and Remedies Code.

13 (5) "Volunteer health care provider" has the meaning
14 assigned by Section 84.003, Civil Practice and Remedies Code.

15 SECTION 4. Article 21.49-4, Insurance Code, is amended by
16 adding Subsection (c-1) to read as follows:

17 (c-1) The trust, in accordance with Subsection (c) of this
18 article, may make available professional liability insurance
19 covering a volunteer health care provider for an act or omission
20 resulting in death, damage, or injury to a patient while the person
21 is acting in the course and scope of the person's duties as a
22 volunteer health care provider as described by Chapter 84, Civil
23 Practice and Remedies Code. This subsection does not affect the
24 liability of a volunteer health care provider who is serving as a
25 direct service volunteer of a charitable organization. Section
26 84.004(c), Civil Practice and Remedies Code, applies to the
27 volunteer health care provider without regard to whether the

1 volunteer health care provider obtains liability insurance under
2 this subsection. The trust may make professional liability
3 insurance available under this subsection to a volunteer health
4 care provider without regard to whether the volunteer health care
5 provider is a physician or dentist.

6 SECTION 5. The joint underwriting association established
7 under Article 21.49-3, Insurance Code, is not required to make
8 liability insurance available in accordance with Section 3C,
9 Article 21.49-3, Insurance Code, as added by this Act, before the
10 181st day after the effective date of this Act.

11 SECTION 6. This Act applies only to a professional
12 liability insurance policy that is delivered, issued for delivery,
13 or renewed on or after the 181st day after the effective date of
14 this Act. A policy delivered, issued for delivery, or renewed
15 before the 181st day after the effective date of this Act is
16 governed by the law as it existed immediately before the effective
17 date of this Act, and that law is continued in effect for that
18 purpose.

19 SECTION 7. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 2680 was passed by the House on April 28, 2005, by the following vote: Yeas 137, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2680 on May 26, 2005, by the following vote: Yeas 140, Nays 0, 3 present, not voting.

Robert Honey

Chief Clerk of the House

I certify that H.B. No. 2680 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Latay Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

Roger Williams
Secretary of State