

BILL ANALYSIS

Senate Research Center
78R1905 AJA-D

S.B. 182
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State Affairs
2/26/2003
As Filed

DIGEST AND PURPOSE

Currently, if a defendant is greater than 50 percent liable in a health care liability claim, that defendant is jointly and severally liable for the other defendants. As proposed, S.B. 182 would limit the liability of health care defendant to the amount of responsibility attributed by the jury.

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 Article 4590i, V.T.C.S. (Medical Liability and Insurance Improvement Act of Texas), by adding Section 11.06, as follows:

Sec. 11.06. APPLICABILITY OF JOINT AND SEVERAL LIABILITY REQUIREMENTS. Provides that, notwithstanding the contents of Section 33.013(b) (Amount of Liability), Civil Practice and Remedies Code, a physician or health care provider is not jointly liable for damages attributed to any other person, regardless of whether the responsibility attributed to the physician or health care provider is greater than 50 percent.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.