

BILL ANALYSIS

Senate Research Center
78R3199 DAK-D

S.B. 198
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State Affairs
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DIGEST AND PURPOSE

Currently, the protections provided by the Charitable Immunity Act are limited to physicians only. As proposed, S.B. 198 would grant to other health care providers at free medical clinics the same protections physicians receive from the Charitable Immunity Act.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 92, as follows:

CHAPTER 92. LIMITATION ON LIABILITY OF HEALTH CARE PROVIDERS AT FREE MEDICAL CLINICS

Sec. 92.001. DEFINITION. Defines "health care provider."

Sec. 92.002. APPLICABILITY. Provides that this chapter applies only to health care provided in a medical clinic that provides free health care to persons unable to pay for it, does not use general anesthesia, does not require an overnight stay in a health care facility, and posts an explanation of the limitation on liability provided by this chapter in a conspicuous place on its premises.

Sec. 92.003. LIMITATION ON LIABILITY. Provides circumstances under which a health care provider is not liable in civil damages for an act performed during the provision of the health care.

Sec. 92.004. VOLUNTARY CONTRIBUTIONS. Provides that the liability limitation applies without regard to whether the medical clinic accepts a voluntary contribution from a person receiving health care services from the clinic if the person acknowledges the person's ability to pay and the contribution is not used to provide a fee or other compensation to a health care provider.

Sec. 92.005. LIMITATION IN ADDITION TO CHAPTER 84. Provides that the liability limitation established by this chapter is independent of and in addition to any liability limitation that may apply under Chapter 84 (Charitable Immunity and Liability).

SECTION 2. Effective date: September 1, 2003
Makes application of this Act prospective.