

BILL ANALYSIS

Senate Research Center

S.B. 19
By: Harris
Administration
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As Filed

DIGEST AND PURPOSE

H.B. 4, 78th Legislature, Regular Session, 2003, a tort reform measure, addressed the issue of liability for hospitals and medical providers. H.B. 4 protects, as government units for purposes of tort liability, nonprofit hospitals that contract with municipalities or hospital districts. Municipal hospital authorities, unlike hospital districts, were not specifically provided protection. Case law states that municipal hospital authorities are not municipalities. As proposed, S.B. 19 includes municipal hospital authorities along with municipalities as a local government unit for the purposes of liability in a tort claim brought against a municipal hospital management contractor.

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 Sections 261.051 and 261.052, Health and Safety Code, as amended by H.B. No. 4, Acts of the 78th Legislature, Regular Session, 2003, to redefine "municipal hospital management contractor." Provides that a municipal hospital management contractor in its management or operation of a hospital under a contract with a municipality or a municipal hospital authority is considered a governmental unit for purposes of Chapters 101 (Tort Claims), 102 (Tort Claims Payments by Local Governments), and 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code, and any employee of the contractor is, while performing services under the contract for the benefit of the hospital, an employee of the municipality for the purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code.

SECTION 2. Effective date: upon passage or 91 days after adjournment.