

BILL ANALYSIS

Senate Research Center
79R3745 HLT-D

S.B. 1054
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, health care liability claims against private physicians are subject to a \$250,000 cap on non-economic damages. There is no cap on economic damages for private physicians.

As proposed, S.B. 1054 allows the Angleton-Danbury Hospital District (district) to contract with physicians to provide medical services on behalf of the district and to provide those physicians with the benefits of the district's tort claims liability cap.

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 C, Chapter 1002, Special District Local Laws Code, as effective April, 1, 2005, by adding Section 1002.111, as follows:

Sec. 1002.111. CONTRACTS FOR HEALTH CARE SERVICES. (a) Defines "licensed health care professional."

(b) Authorizes the Angleton-Danbury Hospital District of Brazoria County (district) to contract with physicians and other licensed health care professionals to provide health care services, including medical care, on behalf of the district.

(c) Provides that a physician or another licensed health care professional is, while performing services under the contract for the benefit of the district, an employee of the district solely for purposes of Chapters 101 (Tort Claims) and 102 (Tort Claims Payments By Local Governments), Civil Practice and Remedies Code, and the district waives its sovereign immunity to the extent provided by Section 101.025 (Waiver of Governmental Immunity; Permission to Sue), Civil Practice and Remedies Code.

(d) Provides that a physician or other licensed health care professional, notwithstanding Section 108.001(2) (Definitions), Civil Practice and Remedies Code, while performing services under contract for the benefit of the district, is a public servant solely for the purposes of Chapter 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.