

BILL ANALYSIS

Senate Research Center
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S.B. 468
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that the negligence standard for emergency care providers is gross negligence, whereby an injured patient must show that the physician or health care provider intended to harm the patient with a conscious indifference and malice. Gross negligence places a burden on injured patients and grants favored status, special privileges, and immunities to physicians and health care providers. Low-income Texans who rely on emergency rooms as primary health care facilities are particularly burdened by that standard.

As proposed, S.B. 468 restores Texas' law to an ordinary negligence standard with regard to emergency room physicians and health care providers, holding those individuals and organizations to the same standard of care as other physicians and providers.

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 Section 74.153, Civil Practices and Remedies Code, by deleting existing text specifying that a claimant is permitted to file suit in an instance of wilful and wanton negligence of a physician or health care provider who deviated from the level of care and skill that is reasonably expected in the same or similar circumstances of a patient occurring from the supplying of emergency medical care in a emergency department or obstetrical unit of a hospital or in a surgical suite immediately following the evaluation or treatment of a patient in a emergency department of a hospital.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.