

- SUBJECT:** Judicial immunity for court-appointed trustees of nursing homes
- COMMITTEE:** Civil Practices — committee substitute recommended
- VOTE:** 6 ayes — Bosse, Janek, Alvarado, Dutton, Hope, Zbranek
0 nays
3 absent — Goodman, Nixon, Smithee
- WITNESSES:** For — David Bragg; Mary Ann Hulse, American Association of Retired Persons
Against — None
On — Susan Baumbach, Texas Health Care Association
- BACKGROUND:** Current law authorizes the Texas Department of Health to ask the attorney general to bring an action on behalf of the state for the appointment of a trustee to operate a nursing home or convalescent home in certain circumstances. After the hearing, the court must appoint a trustee to take charge of a home if the court finds that the involuntary appointment of a trustee is necessary. Such court-appointed trustees are not immune from lawsuits in their capacity as trustees.
- DIGEST:** CSHB 1888 would amend the Health and Safety Code by granting judicial immunity to a court-appointed trustee who is charged with operating a nursing or convalescent home or personal care facility. The immunity would extend to all acts performed or not performed while operating the facility according to the terms set out by the court order.
- The bill would extend similar judicial immunity to a court-appointed trustee charged with operating an intermediate care facility for the mentally retarded.
- The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

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NOTES: The committee substitute changed the original bill by including immunity for a trustee appointed to operate an intermediate care facility for the mentally retarded and by specifying that immunity would apply to all acts within the scope of the court-appointed trusteeship.