

SUBJECT: Limiting the civil liability of a hospital's children's isolation unit

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — Klick, Allison, Jetton, Oliverson, Price, Smith
4 nays — Guerra, Coleman, Collier, Zwiener
1 absent — Campos

WITNESSES: For — Amy Arrington, Texas Children's Hospital; (*Registered, but did not testify*: Stacy Wilson, Children's Hospital Association of Texas; Molly White, Conservative Republicans of Texas; Lee Parsley, Texans for Lawsuit Reform; Kathryn Rightmyer)

Against — Jim Perdue, Texas Trial Lawyers Association; (*Registered, but did not testify*: Steve Bresnen, Texas Trial Lawyers Association; Ware Wendell, Texas Watch; Calvin Tillman; Al Zito)

BACKGROUND: Some have called for hospitals instituting isolation protocols for children with highly infectious diseases while providing an acceptable standard of care to be protected from litigation.

DIGEST: HB 1914 would specify that a children's isolation unit that had instituted isolation protocols would not be liable for any claim, damage, or loss arising from the provision of health care services to children with highly contagious diseases unless the act or omission proximately causing the claim, damage, or loss constituted gross negligence or wilful misconduct.

The bill would define a "children's isolation unit" as an isolation unit in a hospital licensed under the Texas Hospital Licensing Law that was designed to provide health care services to children with highly contagious infectious diseases.

The bill would take effect September 1, 2021.