

BILL ANALYSIS

Senate Research Center
78R16187 KEG-F

C.S.H.B. 2453
By: Kolkhorst (Ogden)
Intergovernmental Relations
5/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently a nonprofit corporation, partnership, or sole proprietorship that manages a hospital or provides services as a part of a rural health network in a contract with a hospital district with a population under 50,000, qualifies as a "hospital district management contractor" under Sections 285.071 and 285.072 of the Health and Safety Code. This allows contractors and their employees to be covered under the same liability as the hospital district in Section 101.023(b) of the Civil Practices Code. The code states that employers and their workers are covered for up to \$100,000 per each person and \$300,000 per occurrence and \$100,000 for property damage.

C.S.H.B. 2453 redefines "hospital district 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 108.002(a) and (b), Civil Practice and Remedies Code, to delete "other than a provider of health care as that term is defined in Section 108.002(c)" in relation to a public servant.

(b) Makes a conforming change.

SECTION 2. Amends Chapter 261, Health and Safety Code, as follows:

SUBCHAPTER C. LIABILITY OF NONPROFIT MANAGEMENT CONTRACTOR

Sec. 261.051. DEFINITION. Defines "municipal hospital management contractor."

Sec. 261.052. LIABILITY OF 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 is considered a governmental unit for purposes of Chapters 101, 102, and 108, Civil Practices 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 Practices and Remedies Code.

SECTION 3. Amends Section 285.071, Health and Safety Code, as follows:

Sec. 285.071. DEFINITION. Redefines "hospital district management contractor."

SECTION 4. Amends Section 285.072, Health and Safety Code, as follows:

Sec. 285.072. LIABILITY OF A HOSPITAL DISTRICT MANAGEMENT CONTRACTOR. Provides that a hospital district management contractor in its management or operation of a hospital under a contract with a hospital district is considered a governmental unit for purposes of Chapters 101, 102, and 108, Civil

Practices 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 hospital district for the purposes of Chapters 101, 102, and 108, Civil Practices and Remedies Code.

SECTION 5. Repealer: Section 108.002(c), Civil Practices and Remedies Code.

SECTION 6. Effective date: September 1, 2003.
Makes application of this Act prospective.