

BILL ANALYSIS

Senate Research Center
87R3909 SRA-D

H.B. 1914
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, the standard of care is determined to be the generally accepted method used by other area doctors on similarly situated patients with similar conditions expected of a health care facility. However, in the case of an isolation unit specifically for children, the standard of care is difficult or impossible to compare to that of a reasonably prudent practitioner treating similar patients because very few of these units currently exist in North America. In times of highly infectious outbreaks like COVID-19 and the Ebola virus, Texas needs to rely on its only children's special isolation unit, which operates not only at a reasonable standard of care but also provides an exceptionally high standard for care and infectious care techniques. In order to serve vulnerable children without fear of unwarranted litigation, this special isolation unit needs to be free of lawsuits that would face a health care facility that operates at normal, reasonable standards.

H.B. 1914 seeks to address this issue by providing a limitation on the civil liability of a children's isolation unit in a hospital.

H.B. 1914 amends current law relating to the civil liability of a children's isolation unit in a hospital.

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 Chapter 241, Health and Safety Code, by adding Subchapter L, as follows:

SUBCHAPTER L. LIMITATION ON CIVIL LIABILITY OF CHILDREN'S ISOLATION UNITS

Sec. 241.351. DEFINITION. Defines "children's isolation unit" for Subchapter L.

Sec. 241.352. LIMITATION ON CIVIL LIABILITY OF CHILDREN'S ISOLATION UNIT. Provides that a children's isolation unit that has instituted isolation protocols is not 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 constitutes gross negligence or wilful misconduct.

SECTION 2. Effective date: September 1, 2021.