

## **BILL ANALYSIS**

Senate Research Center  
80R4201 ABC-F

S.B. 1344  
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4/2/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Angelton-Danbury Hospital District (district) is a special law hospital district governed by its own enabling legislation. The district is responsible for providing health care to the districts indigent residents. In addition to the indigent patients, the physicians who practice in the district see a large number of uninsured patients, prisoners, and undocumented aliens. Physicians who are unable to continue to pay for skyrocketing malpractice insurance coverage are being driven from practice in the Angelton-Danbury community, which threatens the public hospital safety net in the district.

As proposed, S.B. 1344 extends the district's tort claim protections to physicians who are under contract to provide services to the district, while the physician is performing services under the contract at a facility owned or operated by the district. The bill further extends the district's tort claim protections to members of the district's medical staff while those physicians are performing services at a facility owned or operated by the district.

### **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 1002.051(f), Special District Local Laws Code, as follows:

(f) Provides that the members of the board of directors (directors) of the Angelton-Danbury Hospital District (district) serve staggered three-year terms, rather than two-year terms and four-year terms if established under Section 285.081 (Terms), Health and Safety Code. Requires the district to hold an election each year to elect the appropriate number of directors. Deletes existing text relating to the expiration of the terms of certain directors.

SECTION 2. Amends Section 1002.058, Special District Local Laws Code, as follows:

Sec. 1002.058. New heading: OFFICE FACILITIES. (a) Defines "licensed health care professional."

(b) Redesignates existing Subsection (a) as Subsection (b). Requires the board of directors of the district (board) to determine the type, number, and location of buildings necessary to establish and maintain office facilities for physicians, rather than staff physicians, and other health care professionals to provide adequate health care services, rather than medical care.

(c) Redesignates existing Subsection (b) as Subsection (c) and makes conforming changes.

(d) Redesignates existing Subsection (c) as Subsection (d) and makes conforming changes.

SECTION 3. Amends Subchapter C, Chapter 1002, Special District Local Laws Code, by adding Sections 1002.111 and 1002.112, as follows:

Sec. 1002.111. CONTRACTS FOR HEALTH CARE SERVICES. (a) Defines "licensed health care professional."

(b) Authorizes the district to contract with physicians and other licensed health care professionals to provide health care services, including medical care, on behalf of the district.

(c) Provides that a physician or other licensed health care professional is, while performing services under the contract at a facility owned or operated by the district, an employee of the district solely for purposes of Chapters 101 (Tort Claims) and 102 (Tort Claims Payments by Local Governments), Civil Practice and Remedies Code, and that the district waives its sovereign immunity to the extent provided by Section 101.025 (Waiver of Governmental Immunity; Permission to Sue), Civil Practice and Remedies Code.

(d) Provides that, notwithstanding Section 108.001(2), Civil Practice and Remedies Code, a physician or other licensed health care professional is, while performing services under the contract at a facility owned or operated by the district, a public servant solely for purposes of Chapter 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

(e) Provides that this section does not authorize the district to supervise or control the practice of medicine or permit the unauthorized practice of medicine, as prohibited by Subtitle B (Physicians), Title 3, Occupations Code.

Sec. 1002.112. MEDICAL STAFF; WAIVER OF SOVEREIGN IMMUNITY. (a) Provides that a physician who is a member of the district's medical staff is, while performing services at a facility owned or operated by the district, an employee of the district solely for purposes of Chapters 101 and 102, Civil Practice and Remedies Code, and the district waives its sovereign immunity to the extent provided by Section 101.025, Civil Practice and Remedies Code.

(b) Provides that, notwithstanding Section 108.001(2), Civil Practice and Remedies Code, a physician who is a member of the district's medical staff is, while performing services at a facility owned or operated by the district, a public servant solely for purposes of Chapter 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

SECTION 4. Amends Section 1002.251, Special District Local Laws Code, to make conforming and nonsubstantive changes.

SECTION 5. Amends Section 1002.252(b), Special District Local Laws Code, to authorize the board to take certain action to secure a line of credit.

SECTION 6. (a) Provides that this section applies to the election of the directors of the district after the effective date of this Act.

(b)-(j) Sets forth the terms for the elected directors of the board and the successors thereof.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2007.