

BILL ANALYSIS

Senate Research Center

S.B. 1755
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Higher Education
6/11/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As employees of state government, Texas law provides sovereign immunity protection for graduate medical residents of state medical schools. However, due to a 2017 Supreme Court of Texas ruling, state law may now have some ambiguity for the liability protection of all medical residents of The University of Texas Health Science Center Houston (UTHealth). UTHealth employs and reimburses its residents through The University of Texas System Medical Foundation (foundation), an extension of UTHealth and a governmental unit. However, regardless of how the residents are reimbursed, they are no less part of UTHealth and state employees.

Late last session, legislation clarified that a resident engaged in graduate medical education in a public or nonprofit hospital in association with a medical and dental unit would be a state agency employee regardless of whether the resident received a stipend or other payment from the medical and dental unit for services performed as a resident. However, it did not specifically cover clinical care and the language could still cause some ambiguity.

S.B. 1755 is needed to clarify that all medical residents and fellows of UTHealth receive the same liability protection as all other state employees or faculty, regardless of whether UTHealth residents are paid through the foundation or directly from UTHealth. (Original Author's/Sponsor's Statement of Intent)

S.B. 1755 amends current law relating to the status of certain medical residents and fellows as governmental employees for purposes of the Texas Tort Claims Act.

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 Subchapter A, Chapter 101, Civil Practice and Remedies Code, by adding Section 101.004, as follows:

Sec. 101.004. STATUS OF MEDICAL RESIDENTS AND FELLOWS. Provides that, for purposes of this chapter (Torts Claims), a resident or fellow in a graduate medical training program for physicians that is sponsored by a governmental unit, including a medical and dental unit as defined by Section 61.003 (Definitions), Education Code, is considered to be an employee of a governmental unit regardless of the method or source of payment of the resident or fellow.

SECTION 2. Effective date: upon passage or September 1, 2019.