

1-1 By: Hughes, et al. S.B. No. 2043
1-2 (In the Senate - Filed March 7, 2025; March 17, 2025, read
1-3 first time and referred to Committee on State Affairs; May 5, 2025,
1-4 reported favorably by the following vote: Yeas 9, Nays 1;
1-5 May 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Hughes	X			
Paxton	X			
Bettencourt	X			
Birdwell	X			
Hall	X			
Hinojosa of Nueces	X			
Middleton			X	
Parker	X			
Perry	X			
Schwertner	X			
Zaffirini		X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to prohibited retaliation against a physician or health
1-22 care provider for reporting certain violations or taking certain
1-23 actions with respect to the provision of health care services;
1-24 providing a civil remedy.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle H, Title 4, Health and Safety Code, is
1-27 amended by adding Chapter 332 to read as follows:

1-28 CHAPTER 332. PROHIBITED RETALIATION AGAINST HEALTH CARE PROVIDERS

1-29 Sec. 332.001. DEFINITIONS. In this chapter:

1-30 (1) "Health care facility" means a public or private
1-31 organization, corporation, partnership, sole proprietorship,
1-32 association, agency, network, joint venture, or other entity that
1-33 provides health care services to patients. The term includes a
1-34 hospital, clinic, medical center, ambulatory surgical center,
1-35 private physician's office, pharmacy, nursing home, laboratory or
1-36 diagnostic facility, infirmary, dispensary, medical school,
1-37 nursing school, pharmacy school, or medical training facility.

1-38 (2) "Health care provider" means a nurse, nurse aide,
1-39 medical assistant, hospital employee, allied health professional,
1-40 counselor, therapist, laboratory technician, clinic employee,
1-41 nursing home employee, pharmacist, pharmacy employee, researcher,
1-42 medical, pharmacy, or nursing school student, professional,
1-43 paraprofessional, or, without regard to whether the person holds a
1-44 license, any other person who furnishes or assists in the
1-45 furnishing of a health care service.

1-46 (3) "Health care service" means any phase of patient
1-47 medical care or treatment. The term includes:

1-48 (A) examination, testing, diagnosis, referral,
1-49 prognosis, dispensing or administering a drug or device, ancillary
1-50 research, instruction, therapy, treatment, and preparing for or
1-51 performing a surgery or procedure; and

1-52 (B) record-making procedures, preparation of
1-53 treatment notes, and any other care or treatment rendered by a
1-54 physician, health care provider, or health care facility.

1-55 (4) "Physician" means an individual licensed to
1-56 practice medicine in this state.

1-57 Sec. 332.002. RETALIATION PROHIBITED. (a) A person,
1-58 including a health care facility, a political subdivision of this
1-59 state, a public official of this state, the Texas Medical Board or
1-60 another agency of this state, or a medical school or other
1-61 institution that conducts education or training programs for health
1-62 care providers may not take an adverse action against a physician or
1-63 health care provider because the physician or provider:

1-64 (1) except as prohibited by law, testifies, assists,

2-1 or participates in or is preparing to testify, assist, or
 2-2 participate in a proceeding to present information about:

2-3 (A) any act or omission that the physician or
 2-4 provider reasonably believes relates to a violation of a law, rule,
 2-5 regulation, or ethical guideline with respect to the provision of
 2-6 health care services;

2-7 (B) treatment practices or methods that may put
 2-8 patient health at risk;

2-9 (C) a substantial and specific danger to public
 2-10 health or safety;

2-11 (D) gross mismanagement or waste of funds; or

2-12 (E) abuse of authority;

2-13 (2) provides, causes to be provided, or is preparing
 2-14 to provide or cause to be provided information described by
 2-15 Subdivision (1) to:

2-16 (A) the physician's or provider's employer;

2-17 (B) the attorney general, the Health and Human
 2-18 Services Commission, or any state agency charged with protecting
 2-19 patients with respect to the provision of health care services and
 2-20 public health and safety; or

2-21 (C) the United States Department of Health and
 2-22 Human Services, the Office of Civil Rights of the United States
 2-23 Department of State, or any other federal agency charged with
 2-24 protecting patients with respect to the provision of health care
 2-25 services and public health and safety; or

2-26 (3) engages in speech, expression, or association that
 2-27 is protected from government interference, unless it is shown by
 2-28 clear and convincing evidence that the physician's or provider's
 2-29 speech, expression, or association was the direct cause of physical
 2-30 harm to an individual with whom the physician or provider had a
 2-31 practitioner-patient relationship during the three years
 2-32 immediately preceding the incident of physical harm.

2-33 (b) Violations under this section include discrimination
 2-34 against or taking an adverse action with regard to:

2-35 (1) licensure;

2-36 (2) certification;

2-37 (3) employment terms, benefits, seniority status,
 2-38 promotion, or transfer;

2-39 (4) staff appointments or other privileges;

2-40 (5) denial of admission or participation in a program
 2-41 for which the physician or health care provider is otherwise
 2-42 eligible;

2-43 (6) imposition of a burden in the terms or conditions
 2-44 of employment;

2-45 (7) denial of aid, assistance, or benefits;

2-46 (8) conditional receipt of the aid, assistance, or
 2-47 benefits; or

2-48 (9) coercion or disqualification of the physician or
 2-49 provider receiving aid, assistance, or benefits.

2-50 Sec. 332.003. CIVIL REMEDIES. (a) A physician or health
 2-51 care provider who is injured by a violation of this chapter may
 2-52 bring a civil action against another person, entity, or political
 2-53 subdivision of this state that violates this chapter. A physician
 2-54 or provider who brings an action under this section may obtain:

2-55 (1) injunctive relief;

2-56 (2) damages incurred by the physician or provider,
 2-57 including:

2-58 (A) actual damages for all psychological,
 2-59 emotional, and physical injuries resulting from the violation of
 2-60 this chapter, as applicable;

2-61 (B) court costs; and

2-62 (C) reasonable attorney's fees; or

2-63 (3) both injunctive relief and damages.

2-64 (b) Governmental immunity is waived and abolished to the
 2-65 extent of liability under this section.

2-66 SECTION 2. This Act takes effect September 1, 2025.

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