

TAPA NEWS & NOTES

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The Official Newsletter of the Texas Alliance for Patient Access

April 2026



TAPA Seeks to Improve Access to Health Care

TAPA is an association of over 250 health care interests providing medical care to Texas residents and services to Texas medical providers. Its members include physicians, hospitals, nursing homes, physician groups, physician/hospital liability carriers, and charity clinics, as well as other entities that have an interest in assuring timely and affordable access to quality medical care. TAPA seeks to improve access to health care by supporting meaningful and sustainable health care liability reforms.



TAPA's sole means of support comes from member paid dues and donations. 2026 dues statements are currently being forwarded to all members – please contact us with questions or if we can meet with your board/decision makers regarding your membership.

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Official Newsletter of:



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If you are interested in joining TAPA or need TAPA to provide information on the benefits of Texas medical liability reforms, including in-person or virtual presentations, please email our executive director at bjackson@tapa.info. Our promise – we will drive 400 miles if you will give us 4 minutes!



On the Courthouse Steps

TAPA recently evaluated 2 important cases impacting Texas Medical Liability Laws.

TAPA filed an amicus brief in the United States 5th Circuit Court of Appeals in the *Hickson v. St. David's Healthcare Partnership* case, seeking to uphold the dismissal of a medical malpractice lawsuit. Michael Hickson was a 43-year-old quadriplegic man with an anoxic brain injury who was hospitalized in June 2020 for various infections and suspected COVID-19. His wife sued his physicians and hospital claiming that despite a reported 70% chance of survival upon admission, her husband was placed in hospice care, against her wishes (but approved and consented to by the patient's court appointed guardian), where he died after life-sustaining food, fluids, and medical treatments were withdrawn. The trial court dismissed

Plaintiffs case for failing to comply with the requirements of Texas Medical Liability laws, including timely filing of an appropriate expert report. Plaintiff appealed and asserted that their case wasn't a medical malpractice case after all, but a discrimination case, and that the physician made decisions to withdraw medical treatment based on the patient's disability and not as an exercise of medical judgment. In spite of the fact that every Plaintiff arguing this theory to any Federal circuit court has lost, the 5th Circuit agreed with Plaintiff and issued an opinion allowing Plaintiff to pursue a disability case instead of a medical liability case. The issue concerning TAPA is that medical treatment decisions should be judged by Texas medical malpractice laws and not be mis-identified as claims of discrimination against disabled persons. Almost every patient with a serious medical decision can be considered disabled. Allowing Plaintiffs attorneys to avoid Texas medical liability laws and pursue claims under "discrimination" laws is just a creative way to sue doctors. And whether the doctor's medical malpractice policy will even cover this scenario is yet another problem. This decision may significantly alter the risk landscape in Texas if allowed

to stand, thus the reason for TAPA's involvement.

TAPA evaluated another important case involving Texas Medical Liability laws, this one pending at the Texas Supreme Court. *Aldaco vs Wood* involves a young woman who underwent gender transitioning surgery during a "depressed/confused" stage of her emerging adulthood, and her former counselor wrote the recommendation letter that made the surgery possible. Although Mrs. Aldaco's "depressed/confused" stage did not last, the effects of the surgery (double mastectomy) were permanent, and she came to regret it. She sued multiple Defendants, including her counselor, alleging negligence, gross negligence, and fraud. The counselor's recommendation

letter was written sometime before the surgery occurred, and since Mrs. Aldaco timed the filing of her medical malpractice case within 2 years of her surgery (but not 2 years from the date the letter was written), the lower courts dismissed her case against the counselor for failing to meet the 2 year statute of limitations. Mrs. Aldaco appealed to the Texas Supreme Court. TAPA

closely evaluated this case and the legal parameters for Mrs. Aldaco to pursue her unique claim (where the letter required for the surgery could be written years before the surgery even occurred) compared to the danger of subjecting cardiologists, ER physicians, radiologists, oncologists, and other health care providers to an unending limitations period that doesn't start until an injury "occurs". Ultimately, TAPA believes the Legislature should be the one to address this specific issue and looks forward to working with lawmakers next session to craft legislation that protects the rights of individuals in situations similar to Mrs. Aldaco with the need to give certainty as to when a physician's liability exposure (and insurance coverage) commences/ends.



TAPA's Take on Legislature's Interim Charges

The Texas Legislature only meets in odd numbered years. In even numbered years the sitting Lt. Governor and House Speaker issue "Interim Charges" that often identify legislative priorities for the upcoming session. These charges somewhat amount to a "homework" assignment for lawmakers and also give a glimpse as to legislative priorities when they reconvene in January 2027. This year's interim charges are insightful. And maybe alarming.



Dustin Burrows
Texas House Speaker

Speaker Dustin Burrows issued 53 pages of charges, and healthcare is an important theme. One of those charges may impact rural healthcare more than any other legislative act in the last 20 years. On page 49 of his Interim Charges, Speaker Burrows instructed the Select Committee on

Governmental Oversight to "Examine governmental immunity and the Texas Tort Claims Act. Review relevant case law and determine whether amendments to the Act are warranted to clarify or update its provisions." Nothing good happens for rural healthcare if the Texas Tort Claims Act is repealed or significantly revised. In addition to a cap on the damages that can be awarded to someone that sues a hospital district or county hospital, the TTCA also gives significant protections to Hospital employees, including employed physicians. Those employees cannot be sued individually. Plaintiffs have to sue the hospital instead. Eliminating that protections subjects thousands of hard working physicians and nurses to lawsuits. The last thing rural Texas needs is an incentive for nurses and physicians NOT to work in a rural area.

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The Speaker issued additional charges to evaluate overall healthcare costs and appointed Representative James Frank from Wichita Falls to Chair the House Select Committee on Healthcare Affordability. Educating that committee on the importance of preserving tort reform is important because substantial increases in liability premiums for physicians and other healthcare providers/entities will result in not only increased patient costs, but also negatively impact access to patient care. There is a reason that Florida physicians flee

that state and come to Texas. Florida premiums that are 400% more than the same liability policy in Texas makes our State more attractive. It's the same reason New Mexico residents seek healthcare in Texas. New Mexico hospitals can't offer services because their liability premiums are unsustainable. Educating (and convincing) Texas lawmakers that tort reform means more access to healthcare is job #1.

Healthcare affordability will only worsen if medical liability caps on non-economic damages are eliminated or raised.

The good news??? It's April. We have time to educate. We are on the road meeting with every lawmaker who will see us. Texas Tort Reform works. But we need more members and resources to educate those lawmakers who may unknowingly make healthcare accessibility and affordability much more difficult than it already is. Please ask your neighbors and your peers to join our battle.



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**TEXAS ALLIANCE
FOR PATIENT ACCESS**

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TAPA On the Road and Upcoming Events

- January 21:** Spoke with the Florida Hospital Association regarding the benefits of Texas Medical Liability Reforms.
- February 6:** Spoke with stakeholders in New Mexico regarding the benefits of Texas Medical Liability Reforms.
- February 11:** Spoke at the Hospital Board and medical staff meeting of the Jackson County Hospital District in Edna, Texas regarding the benefits of Texas Medical Liability Reforms.
- February 23:** Spoke at the Hospital Board and medical staff meeting of Schleicher County Hospital District in Eldorado, TX regarding the benefits of Texas Medical Liability Reforms.
- March 4:** Spoke to 200 participants at the Texas Hospital Insurance Exchange HOT TOPICS conference in Abilene regarding the benefits of Texas Medical Liability Reforms.
- March 31:** Attended the Texas Hospital Insurance Exchange Board meeting and briefed them on Legislative Interim Charges.
- April 11:** Attended the Texas College of Emergency Physicians conference in Rockwall, Texas
- April 24:** Will speak at the Texas Medical Liability Trust Board meeting.
- May 1:** Attending the Preferred Hospital Management Crawfish Boil.
- June 6:** Speaking at the Texas Hospital Trustees meeting in San Antonio.
- July 7:** Attending the THIE Board Retreat on Lake Conroe.
- November 5:** TAPA Annual Meeting in Austin.

If you have a meeting or a conference and need an informative/entertaining presentation, please Email Brian Jackson at bjackson@tapa.info

Until next time... JOIN! PAY YOUR DUES! SPREAD THE WORD!