



TAPA NEWS & NOTES

The Official Newsletter of the Texas Alliance for Patient Access

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Official Newsletter of:



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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. Please contact us with questions or if we can meet with your board/decision makers regarding your membership.

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!



TAPA's 2027 Legislative Outlook

The Texas Legislature meets in odd numbered years, and TAPA is already preparing for the Legislature's upcoming 90th Session. The Legislature will convene on January 12, 2027 and adjourn on May 31, 2027. We always have our ear to the ground in the months preceding the session so we can prepare for what we will battle once the session begins. This year it isn't subtle or secret. We hear a deafening assault on Texas Medical Liability Reforms whether your ear is to the ground or your head is in the sand. We have successfully battled these assaults for 23 years but this time it is coming from the Republican side of the political aisle. That is a new development. New developments require new strategies and we are working to educate lawmakers on the importance of liability reforms. We are also commissioning studies to show the consequences of losing them. These are some of the issues that are already on



the forefront a full 4 months before the session begins.

The Texas House claims it will focus on healthcare affordability in the 90th Session. At the same time, the House is exploring an agenda to make it easier to sue physicians, hospitals and nursing homes for more money. That agenda will increase liability premiums, and increased premiums

aren't a path to healthcare affordability. Some of the proposed bills currently circling the Capitol include significantly increasing pain & suffering damage awards, eliminating the statute of limitations if the patient/resident dies, and making it a felony if the jury finds gross negligence.

Governmental entities, such as hospital districts and medical schools, are also at risk. The House is expected to try and significantly revamp the Texas Tort Claims Act, which has given those hospitals and medical schools important protections for more than 50 years. Making it easier and more profitable to sue a nurse that lives/works in rural Texas shouldn't be anyone's priority, except maybe the lawyers that constantly advertise on billboards.

Our current focus includes educating as many lawmakers as possible on the importance of preserving tort reform. We are also raising funds to conduct a study showing how costs will increase if tort reform isn't preserved. More lawsuits that can recover higher damages will result in substantial increases in liability premiums. There is a reason that Florida physicians flee that state and come to Texas. Florida malpractice premiums average 400% more than Texas premiums. 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.



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SAVE THE DATE!!

TAPA's Annual Meeting is scheduled for **9am on November 5, 2026**, at the Austin Airport Hilton. Be on the lookout for the hotel reservation link. This year's keynote speaker is **PBS Host Evan Smith**, election analyst extraordinaire. Evan will breakdown all the details of the national election taking place 2 days prior.



On the Courthouse Steps

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

The Texas Supreme Court issued their much anticipated opinion in *Aldaco vs Wood*. This case involved 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. 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). Our concern was a possible unintended consequence 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”. The Texas Supreme Court ultimately reversed the

dismissal of Aldaco’s lawsuit and ruled that the 2 year statute of limitations didn’t begin to run until Aldaco’s counselor fired her as a patient, which was within the 2 year statute of limitations. Whether this has ramifications in more traditional malpractice cases is yet to be seen. TAPA still believes the Legislature should address this unique issue and looks forward to working with lawmakers next session. It’s possible and

beneficial to craft legislation that protects the rights of individuals in situations similar to Mrs. Aldaco but also give certainty as to when a physician’s liability exposure (and insurance coverage) commences/ends.

The Texas Supreme Court also issued an opinion in *Oramas v. UTMB Health at Galveston*. Oramas involved a pro-se plaintiff whose case was dismissed for failing to

timely file an expert report. The more concerning aspect of this case is one Justice’s “dicta”, in which he needlessly campaigns for the Texas Legislature to make it easier for patients to sue their doctor. This Justice writes that patients are deterred from filing lawsuits because pain and suffering damages are capped and medical liability cases are too burdensome to prove. Anytime a Texas Supreme Court Justice inserts language into a court opinion that lobbies on behalf of Plaintiff’s lawyers we are concerned.





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TAPA ON THE ROAD AND UPCOMING EVENTS

- June 6: Spoke at the Texas Hospital Trustees meeting in San Antonio.
- July 7: Attended the THIE Board Retreat on Lake Conroe.
- July 24: Spoke at the Parker County Nurse's Summit in Weatherford.
- August 27: Spoke at Covenant Health Board meeting in Lubbock.
- September 21: Speaking at THA's Hospital Physician Executive Constituency Section and Quality & Patient Safety Council in Fort Worth.
- September 22: Speaking at THA Annual Convention in Fort Worth.
- September 24: Speaking at Texas Health Care Association Annual Conference in Dallas.
- September 24: Speaking at Preferred Management Annual Conference in Dallas.
- NOVEMBER 4: TAPA ANNUAL MEETING at AUSTIN AIRPORT HILTON.**
- December 10: Attending THIE Board Meeting in Georgetown.

**IF YOU HAVE A MEETING OR CONFERENCE AND NEED AN INFORMATIVE/
ENTERTAINING PRESENTATION...EMAIL bjackson@tapa.info**

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