

Bond Case Briefs

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LIABILITY - TEXAS

East Texas Medical Center Gilmer v. Porter

Court of Appeals of Texas, Tyler - January 13, 2016 - S.W.3d - 2016 WL 145825

Patron, who slipped and fell while walking into the emergency room “walk area” seeking treatment, brought action against hospital, alleging negligence in hospital’s failure to keep “walk area” clean and safe. Hospital filed a motion to dismiss, alleging that patron’s claim was a health care liability claim (HCLC) requiring an expert report. The District Court denied the motion. Hospital filed interlocutory appeal.

The Court of Appeals held that patron’s claim against hospital was not an HCLC.

To qualify as health care liability claim (HCLC), a claim alleging departure from safety standards need not be directly related to health care, but it must have a substantive relationship with the providing of medical or health care; that is, there must be a substantive nexus between the safety standards allegedly violated and the provision of health care.

Claim brought by patron, who slipped and fell while walking into hospital’s emergency room “walk area” seeking treatment, alleging negligence in hospital’s failure to keep “walk area” clean and safe, was not a health care liability claim (HCLC) requiring an expert report. Patron was not yet a patient at the time she fell, she had not yet received any treatment, and her injury did not occur in an area where patients might be while receiving care, and, furthermore, the record did not support the conclusion that the regulatory standards asserted by hospital established a substantive nexus between the provision of health care and the underlying facts of patron’s claim.