

Bond Case Briefs

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Val Verde Hospital District v. Salazar

Court of Appeals of Texas, San Antonio - February 5, 2025 - S.W.3d - 2025 WL 395734

Patient brought medical malpractice action against state hospital and staffing company, alleging negligence based on electrocardiogram (EKG) technician's inappropriate touching of her breasts during exam.

The 83rd District Court denied hospital's plea to the jurisdiction. Hospital appealed.

The Court of Appeals held that use of state hospital's EKG machine by technician merely furnished the condition for injury to patient, and thus was insufficient to waive hospital's immunity from suit.

Use of state hospital's electrocardiogram (EKG) machine by technician merely furnished the condition for injury to patient, and thus was insufficient to waive hospital's immunity from patient's medical malpractice suit under the Texas Tort Claims Act (TTCA); patient sought damages for physical pain, mental anguish, and emotional distress from technician's touching of her breasts while performing an EKG, but did not contend that she was injured by the EKG machine itself or its electrodes.