

1 HB605
2 212718-1
3 By Representative Ledbetter
4 RFD: Health
5 First Read: 06-APR-21

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8 SYNOPSIS: Under existing law, certain regional mental
9 health programs and facilities are authorized to
10 incorporate as a public corporation with powers
11 prescribed by law, including the power to provide
12 services such as inpatient care, outpatient care,
13 partial hospitalization, emergency care,
14 residential care, and aftercare for persons
15 combating all forms of mental or emotional
16 illnesses or disabilities, including alcoholism,
17 drug addiction, epilepsy, and intellectual
18 disability. The public corporations are exempted
19 from state taxation by law.

20 This bill would provide that regional mental
21 health programs and facilities organized pursuant
22 to law, and the directors and employees thereof,
23 when engaged in the discharge of services or
24 programs certified and contracted for by the
25 Alabama Department of Mental Health, are entitled
26 to immunity to the same extent and under the same

1 circumstances afforded to state employees under the
2 state sovereign immunity statute.

3 This bill would also specify that the
4 limitation of liability provided does not extend to
5 the subcontractors and independent contractors of
6 the programs and facilities.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating regional mental health entities; to add
13 Section 22-51-15 to the Code of Alabama 1975, to provide
14 limitations of liability for certain regional mental health
15 entities and the directors and employees thereof.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 22-51-15 is added to the Code of
18 Alabama 1975, to read as follows:

19 §22-51-15.

20 (a) This section shall be construed to supersede any
21 protections limiting damages described in Article 8 of Chapter
22 47 of Title 11, and Chapter 93 of Title 11, which may have
23 been available to entities organized pursuant to this chapter.

24 (b) When directors and employees of an entity
25 organized pursuant to this chapter are engaged in the
26 discharge of services or programs certified and contracted for
27 by the Alabama Department of Mental Health, such directors and

1 employees shall be entitled to immunity to the same extent and
2 under the same circumstances afforded to state employees
3 pursuant to Section 36-1-12.

4 (c) An entity organized pursuant to this chapter
5 shall not be liable for any conduct protected pursuant to
6 subsection (b).

7 (d) Subsections (b) and (c) do not apply to
8 subcontractors or independent contractors of an entity
9 organized pursuant to this chapter.

10 (e) This section only applies to claims that accrue
11 on or after the effective date of the act adding this code
12 section.

13 Section 2. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.