

1-1 By: Alvarado S.B. No. 2171
 1-2 (In the Senate - Filed March 9, 2023; March 22, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 18, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 1; April 18, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17		X		
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the qualifications of experts in certain health care
 1-22 liability claims.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 74.351(r)(5), Civil Practice and
 1-25 Remedies Code, is amended to read as follows:

1-26 (5) "Expert" means:

1-27 (A) with respect to a person giving opinion
 1-28 testimony regarding whether a physician departed from accepted
 1-29 standards of medical care, an expert qualified to testify under the
 1-30 requirements of Section 74.401;

1-31 (B) with respect to a person giving opinion
 1-32 testimony regarding whether a health care provider departed from
 1-33 accepted standards of health care, an expert qualified to testify
 1-34 under the requirements of Section 74.402;

1-35 (C) with respect to a person giving opinion
 1-36 testimony about the causal relationship between the injury, harm,
 1-37 or damages claimed and the alleged departure from the applicable
 1-38 standard of care in any health care liability claim, a physician who
 1-39 is otherwise qualified to render opinions on such causal
 1-40 relationship under the Texas Rules of Evidence;

1-41 (D) with respect to a person giving opinion
 1-42 testimony about the causal relationship between the injury, harm,
 1-43 or damages claimed and the alleged departure from the applicable
 1-44 standard of care for a dentist, a dentist or physician who is
 1-45 otherwise qualified to render opinions on such causal relationship
 1-46 under the Texas Rules of Evidence; ~~or~~

1-47 (E) with respect to a person giving opinion
 1-48 testimony about the causal relationship between the injury, harm,
 1-49 or damages claimed and the alleged departure from the applicable
 1-50 standard of care for a podiatrist, a podiatrist or physician who is
 1-51 otherwise qualified to render opinions on such causal relationship
 1-52 under the Texas Rules of Evidence; or

1-53 (F) with respect to a person giving opinion
 1-54 testimony about the causal relationship between the injury, harm,
 1-55 or damages claimed and the alleged departure from the applicable
 1-56 standard of care for a chiropractor, a chiropractor or physician
 1-57 who is otherwise qualified to render opinions on such causal
 1-58 relationship under the Texas Rules of Evidence.

1-59 SECTION 2. Section 74.403, Civil Practice and Remedies
 1-60 Code, is amended by amending Subsection (a) and adding Subsection
 1-61 (c-1) to read as follows:

2-1 (a) Except as provided by Subsections (b), ~~[and]~~ (c), and
2-2 (c-1), in a suit involving a health care liability claim against a
2-3 physician or health care provider, a person may qualify as an expert
2-4 witness on the issue of the causal relationship between the alleged
2-5 departure from accepted standards of care and the injury, harm, or
2-6 damages claimed only if the person is a physician and is otherwise
2-7 qualified to render opinions on that causal relationship under the
2-8 Texas Rules of Evidence.

2-9 (c-1) In a suit involving a health care liability claim
2-10 against a chiropractor, a person may qualify as an expert witness on
2-11 the issue of the causal relationship between the alleged departure
2-12 from accepted standards of care and the injury, harm, or damages
2-13 claimed if the person is a chiropractor or physician and is
2-14 otherwise qualified to render opinions on that causal relationship
2-15 under the Texas Rules of Evidence.

2-16 SECTION 3. The changes in law made by this Act apply only to
2-17 an action commenced on or after the effective date of this Act. An
2-18 action commenced before the effective date of this Act is governed
2-19 by the law as it existed immediately before the effective date of
2-20 this Act, and that law is continued in effect for that purpose.

2-21 SECTION 4. This Act takes effect September 1, 2023.

2-22 * * * * *