

Amend **CSHB 4** as follows:

On page 51, strike lines 11-14 and substitute the following, starting on line 11:

(f)(1) Notwithstanding the provisions of Rule 202, Texas Rules of Civil Procedure, a deposition may not be taken of a physician or health care provider for the purpose of investigating a health care liability claim before the filing of lawsuit unless:

(a) Upon receipt of written notice as required under Section 4.01 of this Act, from a patient, patient's family or patient's representative, the physician or health care provider has failed, within the ten days specified in Section 4.01 of this Act, to provide complete, unaltered records; or

(b) Upon providing the records as required under Section 4.01 of this Act, the records are incomplete, inaccurate, illegible, show evidence of having been changed after the events which they purport to record, or fail to comply with any applicable rules, regulations, standards, policies or guidelines for proper completion of same; or

(c) Upon providing the records as required under Section 4.01 of this Act, it cannot be reasonably determined from the records provided what sequence of events occurred in the relevant treatment or events, or cannot be reasonably determined who was present, involved, participated in or observed the events in question.

(2) If the physician or health care provider fails to provide the records as required under Section 4.01 of this Act, the patient, the patient's family, or the patient's representative shall be entitled to Rule 202 depositions sufficient to provide the information needed for them to appropriately evaluate any potential health care liability claim and make decisions about inclusion or not of potential defendants.