

Amend **CSHB 4** as follows:

On page 59, line 14, strike SECTION 10.13 and insert a new SECTION 10.13 to read as follows:

SECTION 10.13. Subchapter L, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), is amended by adding Section 12.02 to read as follows:

Sec. 12.02. STANDARD OF PROOF IN CASES INVOLVING EMERGENCY MEDICAL CARE. In a suit involving a health care liability claim against a physician or health care provider for injury to or death of a patient arising out of the provision of emergency medical care, the person bringing the suit may prove that the treatment or lack of treatment by the physician or health care provider departed from accepted standards of medical care or health care only if the person shows by clear and convincing evidence that the physician or health care provider did not use the degree of care and skill that is reasonably expected of an ordinarily prudent physician or health care provider in the same or similar circumstances, provided that if the person bringing the suit has previously established a physician-patient relationship with the physician or health care provider or his partner or associate or on-call designated representative that proof shall be by a preponderance of the evidence.