

Amend **CSHB 4** as follows:

(1) On page 2, line 3, strike "and".

(2) On page 2, line 4, between "jurisdiction" and the period, insert:

"; and

(D) has rulemaking authority involving the subject matter of the disputed claim".

(3) On page 8, strike lines 19 and 20 and substitute:

SECTION 1.03. Section 22.225, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(4) On page 9, between lines 18 and 19, insert:

(e) For purposes of Subsection (c), one court holds differently from another when there is inconsistency in their respective decisions that should be clarified to remove unnecessary uncertainty in the law and unfairness to litigants.

(5) On page 9, line 19, strike "Sections 51.014(a) and (b)" and substitute "Sections 51.014(a), (b), and (c)".

(6) On page 11, line 3, strike "Subsection (a)(3)" and substitute "Subsection (a)(3), (5), or (8)".

(7) On page 11, between lines 4 and 5, insert:

(c) A denial of a motion for summary judgment, special appearance, or plea to the jurisdiction described by Subsection (a)(5), (7), or (8) is not subject to the automatic stay [~~of the commencement of trial~~] under Subsection (b) unless the motion, special appearance, or plea to the jurisdiction is filed and requested for submission or hearing before the trial court not later than the later of:

(1) a date set by the trial court in a scheduling order entered under the Texas Rules of Civil Procedure; or

(2) the 180th day after the date the defendant files:

(A) the original answer;

(B) the first other responsive pleading to the plaintiff's petition; or

(C) if the plaintiff files an amended pleading

that alleges a new cause of action against the defendant and the defendant is able to raise a defense to the new cause of action under Subsection (a)(5), (7), or (8), the responsive pleading that raises that defense.

(8) On page 11, strike lines 5 and 6 and substitute:

SECTION 1.05. Section 22.001, Government Code, is amended by adding Subsection (e) to read as follows:

(e) For purposes of Subsection (a)(2), one court holds differently from another when there is inconsistency in their respective decisions that should be clarified to remove unnecessary uncertainty in the law and unfairness to litigants.

SECTION 1.06. This article applies only to a suit commenced on or after the effective date of this article.

(9) On page 18, strike lines 25 and 26 and substitute:

SUBCHAPTER F. CONSOLIDATION OF MULTIDISTRICT LITIGATION FOR  
PRETRIAL PROCEEDINGS

(10) Beginning on page 32, strike from line 22 through page 33, line 13, and renumber the subsequent SECTIONS of ARTICLE 4 appropriately.

(11) On page 46, strike line 13 and substitute:

ARTICLE 9. BENEVOLENT GESTURES

SECTION 9.01. Section 18.061(c), Civil Practice and Remedies Code, is repealed.

SECTION 9.02. This article applies only to the admissibility of a communication in a proceeding that begins on or after the effective date of this article. The admissibility of a communication in a proceeding that began before the effective date of the article is governed by the law applicable to the admissibility of the communication immediately before the effective date of this article, and that law is continued in effect for that purpose.

(12) On page 46, line 25, strike "nonprofit".

(13) On page 47, strike lines 12 and 13 and substitute:  
Section 1396n(c)), as amended; [~~or~~]

(xii) a nursing home; or

(xiii) a chiropractor.

(14) On page 47, lines 26 to 27, strike "practice or

procedure".

(15) On page 50, strike lines 15 through 20 and substitute:

(22) "Hospital system" means a system of hospitals located in this state that are under the common governance or control of a corporate parent.

(16) On page 50, line 23, strike "Section 1.04" and substitute "Sections 1.04 and 1.05".

(17) On page 51, strike lines 2 through 6 and substitute:

(b) Notwithstanding Subsection (a) of this section, in the event of a conflict between this Act and Section 101.023, 102.003, or 108.002, Civil Practice and Remedies Code, those sections of the Civil Practice and Remedies Code control to the extent of the conflict.

(c) Notwithstanding Section 22.004, Government Code, and except as otherwise provided by this Act, the supreme court may not amend or adopt rules in conflict with this Act.

(d) The district courts and statutory county courts in a county may not adopt local rules in conflict with this Act.

Sec. 1.05. SOVEREIGN IMMUNITY NOT WAIVED. This Act does not waive sovereign immunity from suit or from liability.

(18) On page 55, line 7, strike "based" and substitute: based. This section does not apply to a health care liability claim based solely on intentional denial of medical treatment that a patient is otherwise qualified to receive, against the wishes of a patient, or, if the patient is incompetent, against the wishes of the patient's guardian, on the basis of the patient's present or predicted age, disability, degree of medical dependency, or quality of life unless the medical treatment is denied under Chapter 166, Health and Safety Code

(19) On page 58, between lines 26 and 27, insert:

(f) This section does not apply to a health care liability claim based solely on intentional denial of medical treatment that a patient is otherwise qualified to receive, against the wishes of a patient, or, if the patient is incompetent, against the wishes of the patient's guardian, on the basis of the patient's present or predicted age, disability, degree of medical dependency, or quality of life unless the medical treatment is denied under Chapter 166,

Health and Safety Code.

(20) On page 60, line 9, strike "(s) and (t)" and substitute "(s), (t), and (u)".

(21) On page 60, strike line 12 and substitute:  
later than the 90th day after the date the claim was [~~is~~] filed,

(22) On page 63, between lines 5 and 6, insert:

(u) Notwithstanding any other provision of this section, after a claim is filed all claimants, collectively, may take not more than one deposition before the expert report is served as required by Subsection (a) of this section.

(23) On page 70, line 18, strike "Q,".

(24) Beginning on page 70, strike from line 20 through page 71, line 27.

(25) On page 78, between lines 25 and 26, insert a new SECTION 10.22 to read as follows and renumber subsequent sections appropriately:

SECTION 10.22. Section 84.003, Civil Practice and Remedies Code, is amended by adding Subdivision (6) to read as follows:

(6) "Hospital system" means a system of hospitals located in this state that are under the common governance or control of a corporate parent.

(26) On page 80, between lines 13 and 14, insert a new SECTION 10.24 to read as follows and renumber subsequent SECTIONS appropriately:

SECTION 10.24. Section 84.004, Civil Practice and Remedies Code, is amended by adding Subsection (f) to read as follows:

(f) Subsection (c) applies even if:

(1) the patient is incapacitated due to illness or injury and cannot sign the acknowledgment statement required by that subsection; or

(2) the patient is a minor or is otherwise legally incompetent and the person responsible for the patient is not reasonably available to sign the acknowledgment statement required by that subsection.

(27) On page 80, line 16, between the period and "Except", insert "(a)".

(28) On page 81, between lines 3 and 4, insert:

(b) Subsection (a) applies even if:

(1) the patient is incapacitated due to illness or injury and cannot sign the acknowledgment statement required by that subsection; or

(2) the patient is a minor or is otherwise legally incompetent and the person responsible for the patient is not reasonably available to sign the acknowledgment statement required by that subsection.

(29) On page 88, strike lines 18 and 19 and substitute:

ARTICLE 11. CLAIMS AGAINST EMPLOYEES OR VOLUNTEERS OF A  
GOVERNMENTAL UNIT

(30) On page 92, strike lines 9 and 10 and substitute:

SECTION 13.02. Section 41.008(b), Civil Practice and Remedies Code, is amended to read as follows:

(31) Beginning on page 92, strike from lines 19 through page 93, line 17.

Amend item (10), page 2, of Floor Amendment No. 2, to insert between "appropriately" and the period as follows:

, and beginning on page 35, strike from line 12 through line 23 and renumber the subsequent SECTIONS of ARTICLE 4 appropriately.