

BILL ANALYSIS

Senate Research Center
79R10850 DAK-D

H.B. 2645
By: Nixon (Wentworth)
State Affairs
5/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Since the passage of H.B. 4, 78th Legislature, Regular Session, 2003, there has been some confusion regarding the timing of when an expert report is due on a medical malpractice case. Some have argued that the report is due 120 days from the date of the statutory notice letter, instead of 120 days from the date of the filing of the original petition. It was the intent of H.B. 4 that the report be triggered by the filing of the lawsuit.

H.B. 2645 clarifies the timing of when an expert report is due on a medical malpractice case.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.351(a), Civil Practice and Remedies Code, by requiring, in a health care liability claim, a claimant, not later than the 120th day after the date the original petition, rather than claim, was filed, to serve on each party or the party's attorney one or more expert reports, with a curriculum vitae of each expert listed in the report for each physician or health care provider against whom a liability claim is asserted.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.