

## **BILL ANALYSIS**

C.S.H.B. 2645  
By: Nixon  
Civil Practices  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Since the passage of House Bill 4 in the 78th Session, 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 HB 4 that the report be triggered by the filing of the lawsuit.

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

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 2645 amends Section 74.351 (a), Civil Practice and Remedies Code, by striking "claim" and adding "original petition".

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute is a legislative council draft and changes "suit" to "original petition".