

By: Nixon

H.B. No. 2645

Substitute the following for H.B. No. 2645:

By: Rose

C.S.H.B. No. 2645

A BILL TO BE ENTITLED

AN ACT

1
2 relating to service of expert reports in health care liability
3 claims.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 74.351(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (a) In a health care liability claim, a claimant shall, not
8 later than the 120th day after the date the original petition
9 [~~claim~~] was filed, serve on each party or the party's attorney one
10 or more expert reports, with a curriculum vitae of each expert
11 listed in the report for each physician or health care provider
12 against whom a liability claim is asserted. The date for serving
13 the report may be extended by written agreement of the affected
14 parties. Each defendant physician or health care provider whose
15 conduct is implicated in a report must file and serve any objection
16 to the sufficiency of the report not later than the 21st day after
17 the date it was served, failing which all objections are waived.

18 SECTION 2. This Act applies only to a cause of action that
19 accrues on or after the effective date of this Act. An action that
20 accrued before the effective date of this Act is governed by the law
21 applicable to the action immediately before the effective date of
22 this Act, and that law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2005.