

1-1 By: Nixon (Senate Sponsor - Wentworth) H.B. No. 2645
1-2 (In the Senate - Received from the House April 18, 2005;
1-3 April 19, 2005, read first time and referred to Committee on State
1-4 Affairs; May 13, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to service of expert reports in health care liability
1-9 claims.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 74.351(a), Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 (a) In a health care liability claim, a claimant shall, not
1-14 later than the 120th day after the date the original petition
1-15 [~~claim~~] was filed, serve on each party or the party's attorney one
1-16 or more expert reports, with a curriculum vitae of each expert
1-17 listed in the report for each physician or health care provider
1-18 against whom a liability claim is asserted. The date for serving
1-19 the report may be extended by written agreement of the affected
1-20 parties. Each defendant physician or health care provider whose
1-21 conduct is implicated in a report must file and serve any objection
1-22 to the sufficiency of the report not later than the 21st day after
1-23 the date it was served, failing which all objections are waived.

1-24 SECTION 2. This Act applies only to a cause of action that
1-25 accrues on or after the effective date of this Act. An action that
1-26 accrued before the effective date of this Act is governed by the law
1-27 applicable to the action immediately before the effective date of
1-28 this Act, and that law is continued in effect for that purpose.

1-29 SECTION 3. This Act takes effect September 1, 2005.

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