

By: Wentworth

S.B. No. 1190

A BILL TO BE ENTITLED

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AN ACT

relating to certain procedures governing health care liability claims.

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

SECTION 1. Subsection (b), Section 74.002, Civil Practice and Remedies Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), in the event of a conflict between this chapter and Section 33.004, 101.023, 102.003, or 108.002, those sections of this code control to the extent of the conflict.

SECTION 2. Section 74.051, Civil Practice and Remedies Code, is amended by adding Subsection (f) to read as follows:

(f) This section applies to any party seeking to designate a responsible third party under Section 33.004.

SECTION 3. Subsections (a) and (u), Section 74.351, Civil Practice and Remedies Code, are amended to read as follows:

(a) In a health care liability claim, a claimant shall, not later than the 120th day after the date the original petition [~~claim~~] was filed, 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. The date for serving the report may be extended by written agreement of the affected parties. Each defendant physician or health care provider whose

1 conduct is implicated in a report must file and serve any objection
2 to the sufficiency of the report not later than the 21st day after
3 the date it was served, failing which all objections are waived.

4 (u) Notwithstanding any other provision of this section,
5 after a claim is filed all claimants, collectively, may take not
6 more than two depositions of any party or other person, including a
7 defendant, before the expert report is served as required by
8 Subsection (a).

9 SECTION 4. The change in law made by this Act applies only
10 to a cause of action that accrues on or after the effective date of
11 this Act. A cause of action that accrues before the effective date
12 of this Act is governed by the law in effect immediately before that
13 date, and that law is continued in effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2005.