

1-1 By: Wentworth S.B. No. 1190
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 18, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 18, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1190 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain procedures governing health care liability
1-11 claims.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 74.002, Civil Practice
1-14 and Remedies Code, is amended to read as follows:

1-15 (b) Notwithstanding Subsection (a), in the event of a
1-16 conflict between this chapter and Section 33.004, 101.023, 102.003,
1-17 or 108.002, those sections of this code control to the extent of the
1-18 conflict.

1-19 SECTION 2. Section 74.051, Civil Practice and Remedies
1-20 Code, is amended by adding Subsection (f) to read as follows:

1-21 (f) This section applies to any party seeking to designate a
1-22 responsible third party under Section 33.004.

1-23 SECTION 3. Subsections (a) and (u), Section 74.351, Civil
1-24 Practice and Remedies Code, are amended to read as follows:

1-25 (a) In a health care liability claim, a claimant shall, not
1-26 later than the 120th day after the date the original petition
1-27 [~~claim~~] was filed, serve on each party or the party's attorney one
1-28 or more expert reports, with a curriculum vitae of each expert
1-29 listed in the report for each physician or health care provider
1-30 against whom a liability claim is asserted. The date for serving
1-31 the report may be extended by written agreement of the affected
1-32 parties. Each defendant physician or health care provider whose
1-33 conduct is implicated in a report must file and serve any objection
1-34 to the sufficiency of the report not later than the 21st day after
1-35 the date it was served, failing which all objections are waived.

1-36 (u) Notwithstanding any other provision of this section,
1-37 after a claim is filed all claimants, collectively, may take not
1-38 more than two depositions of any party or other person, including a
1-39 defendant, before the expert report is served as required by
1-40 Subsection (a).

1-41 SECTION 4. The change in law made by this Act applies only
1-42 to a cause of action that accrues on or after the effective date of
1-43 this Act. A cause of action that accrues before the effective date
1-44 of this Act is governed by the law in effect immediately before that
1-45 date, and that law is continued in effect for that purpose.

1-46 SECTION 5. This Act takes effect September 1, 2005.

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