

BILL ANALYSIS

C.S.H.B. 3281
By: King, Phil
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature passed legislation which added Section 41.0105 to the Civil Practices and Remedy Code. This section states that a plaintiff in a law suit may only recover those medical or healthcare expenses which they had already paid or incurred, but does not allow for any future costs that the claimant may incur.

C.S.H.B. 3281 would amend this part of the statute in order to clarify that claimants may recover medical or health care expenses incurred actually paid or incurred by or on behalf of the claimant. This Act applies only to a health care liability claim under Chapter 74; and does not apply to a claim for future medical or health care expenses.

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

SECTION 1. Amends Section 41. 0105, Civil Practices and Remedies Code, by adding Subsections (a), (b) and (c). Subsection (a) is created using current law which states that in addition to any other limitation under law, recovery of medical or health care expenses incurred is limited to the amount actually paid or incurred by or on behalf of the claimant. Subsection (b) states that this section only applies to a health care liability claim under Chapter 74. Subsection (c) states that this section does not apply to a claim for future medical or health care expenses.

SECTION 2. States that this Act applies only to actions commenced on or after the effective date of the bill. Any actions commenced before this date are subject to the law in place before this Act's effective date.

SECTION 3. The effective date of this Act is upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill repealed Section 41.0105 of the Civil Practices and Remedies Code.

The substitute bill amends Section 41.0105 of the Civil Practices and Remedies Code by creating subsection (a) using current law and adding subsections (b) and (c). Subsection (b) states that this section only applies to a health care liability claim under Chapter 74. Subsection (c) states that this section does not apply to a claim for future medical or health care expenses.

The effective date of the original bill was September 1, 2007, however, the substitute bill takes effect immediately if it receives two-thirds vote of all members of the House. If the necessary votes are not received, the Act takes effect September 1, 2007.

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