

BILL ANALYSIS

S.B. 763
By: Duncan
Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, parties in a personal injury lawsuit must file copies of the affidavit and a patient's medical records with the clerk of the court and the opposing party. In cases with large amounts of records, this becomes a time consuming and expensive task. In addition, the patient's private medical information becomes open to the public when filed with the court.

As proposed, S.B. 763 requires parties offering the affidavit to serve only the opposing party with copies of the affidavit and medical records. Additionally, this bill protects the privacy of medical records.

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 Sections 18.001(d), (e), and (f), Civil Practice and Remedies Code, to delete existing text requiring the party offering the affidavit in evidence or the party's attorney to file the affidavit with the court clerk. Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.