

By: Ellis

S.B. No. 829

A BILL TO BE ENTITLED

AN ACT

relating to depositions of witnesses in a health care liability claim.

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

SECTION 1. Sections 74.351(s) and (u), Civil Practice and Remedies Code, are amended to read as follows:

(s) Until a claimant has served the expert report and curriculum vitae as required by Subsection (a), all discovery in a health care liability claim is stayed except for the acquisition by the claimant of information, including medical or hospital records or other documents or tangible things, related to the patient's health care through:

(1) written discovery as defined in Rule 192.7, Texas Rules of Civil Procedure;

(2) depositions on written questions under Rule 200, Texas Rules of Civil Procedure; and

(3) discovery ~~[from nonparties]~~ under Rules 199 and [Rule] 205, Texas Rules of Civil Procedure.

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

SECTION 2. The change in law made by this Act applies only to a cause of action filed on or after the effective date of this

1 Act. A cause of action that is filed before the effective date of  
2 this Act is governed by the law in effect immediately before the  
3 effective date of this Act, and that law is continued in effect for  
4 that purpose.

5 SECTION 3. This Act takes effect September 1, 2007.