

1-1 By: Hinojosa S.B. No. 1119  
1-2 (In the Senate - Filed February 24, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 25, 2009, reported favorably by the following vote: Yeas 5,  
1-5 Nays 4; March 25, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the recovery of medical or health care expenses in civil  
1-9 actions.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 41.0105, Civil Practice and Remedies  
1-12 Code, is amended to read as follows:

1-13 Sec. 41.0105. EVIDENCE RELATING TO AMOUNT OF ECONOMIC  
1-14 DAMAGES. (a) In addition to any other limitation under law,  
1-15 recovery of medical or health care expenses incurred is limited to  
1-16 the amount actually paid or incurred by or on behalf of the  
1-17 claimant.

1-18 (b) This section applies only to a health care liability  
1-19 claim under Chapter 74.

1-20 (c) This section does not apply to a claim for future  
1-21 medical or health care expenses.

1-22 SECTION 2. This Act applies only to an action commenced on  
1-23 or after the effective date of this Act. An action that is  
1-24 commenced before the effective date of this Act is governed by the  
1-25 law applicable to the action immediately before the effective date  
1-26 of this Act, and that law is continued in effect for that purpose.

1-27 SECTION 3. This Act takes effect immediately if it receives  
1-28 a vote of two-thirds of all the members elected to each house, as  
1-29 provided by Section 39, Article III, Texas Constitution. If this  
1-30 Act does not receive the vote necessary for immediate effect, this  
1-31 Act takes effect September 1, 2009.

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