

BILL ANALYSIS

C.S.H.B. 405
By: Fletcher
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a member of the State Board of Dental Examiners is prohibited from being an expert witness in a suit involving certain health care liability claims unless the member receives approval from the board. Some interested parties feel there is a conflict of interest when a board member is allowed to testify in such suits. C.S.H.B. 405 seeks to amend current law to address this issue.

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

C.S.H.B. 405 amends the Occupations Code to expand the prohibition against a member of the State Board of Dental Examiners from serving as an expert witness in a suit involving certain health care liability claims to include prohibiting a board member from expressing an oral or written opinion in such a suit; extends the prohibition to include such service or expression in a suit involving a claim relating to a violation of the standard of care or the commission of malpractice as well as in a suit involving a claim for injury or death; and makes the prohibition applicable in a suit involving a claim against a person licensed or registered under the Dental Practice Act, rather than only against a dentist. The bill removes from the prohibition the exemption for a member who receives approval from the board or an executive committee of the board to serve as an expert witness.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 405 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 254.018, Occupations Code, is amended to read as follows:
Sec. 254.018. [EXPERT] TESTIMONY.
(a) A member or former member of the board may not express an oral or written opinion or serve as an expert witness in a

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 254.018, Occupations Code, is amended to read as follows:
Sec. 254.018. [EXPERT] TESTIMONY. A member of the board may not express an oral or written opinion or serve as an expert witness in a suit involving a health care

suit involving a health care liability claim against a person licensed or registered under this subtitle [dentist] for injury to or death of a patient or for a violation of the standard of care or the commission of malpractice [~~unless the member receives approval from the board or an executive committee of the board to serve as an expert witness~~].

(b) This section applies to a former member of the board until the second anniversary of the date the member's term expires or the member resigns from the board.

SECTION 2. This Act takes effect September 1, 2013.

liability claim against a person licensed or registered under this subtitle [dentist] for injury to or death of a patient or for a violation of the standard of care or the commission of malpractice [~~unless the member receives approval from the board or an executive committee of the board to serve as an expert witness~~].

SECTION 2. Same as introduced version.