

## **BILL ANALYSIS**

C.S.H.B. 2843  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In health care liability claims, claimants are required to serve on each defendant one or more expert reports, with a curriculum vitae of each expert listed in the report for each physician or health care provider against whom a liability claim is asserted. Under current law, a defendant physician or health care provider is required to serve any objection to an expert report not later than the 21st day after the date the report was served. Since some plaintiffs choose to serve the expert reports with the original petition, there is concern that it is possible for the deadline to object to the plaintiff's expert report to occur before the deadline for the defendant's answer to the claim. In these situations, defendant physicians and health care providers who object to an expert report may have to file the objection before they have appeared in the lawsuit. Interested parties contend that objections to an expert report are substantive objections that require analysis of the claims brought in relation to the expert's opinions, so defendant physicians and health care providers should be given adequate time to file such objections.

In addition, interested parties have raised concerns that various Texas courts have reached differing opinions as to the meaning and effect of a statutory provision that requires a plaintiff to serve the expert report not later than the 120th day after the date the original petition was filed. The parties suggest that this situation has created confusion for plaintiffs filing a health care liability claim. C.S.H.B. 2843 seeks to remedy the issues created by the current deadlines for filing an expert report or filing an objection to an expert report by changing those deadlines.

### **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. 2843 amends the Civil Practice and Remedies Code to change the deadline by which a claimant in a health care liability claim is required to serve an expert report on the defendant or the defendant's attorney from not later than the 120th day after the date the original petition was filed to not later than the 120th day after the date each defendant's original answer is filed. The bill changes the deadline by which each defendant physician or health care provider whose conduct is implicated in an expert report is required to file and serve any objection to the sufficiency of the report from not later than the 21st day after the date it was served to not later than the later of the 21st day after the date the report is served or the 21st day after the date the defendant's answer is filed.

### **EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2843 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.