

AN ACT

relating to certain lawsuits seeking damages.

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

SECTION 1. Chapter 41, Civil Practice and Remedies Code, is amended by adding Section 41.014 to read as follows:

Sec. 41.014. INTEREST ON DAMAGES SUBJECT TO MEDICARE SUBROGATION. (a) Subject to this section, postjudgment interest does not accrue on the unpaid balance of an award of damages to a plaintiff attributable to any portion of the award to which the United States has a subrogation right under 42 U.S.C. Section 1395y(b)(2)(B) before the defendant receives a recovery demand letter issued by the Centers for Medicare and Medicaid Services or a designated contractor under 42 C.F.R. Section 411.22.

(b) Postjudgment interest under this section does not accrue if the defendant pays the unpaid balance before the 31st day after the date the defendant receives the recovery demand letter.

(c) If the defendant appeals the award of damages, this section does not apply.

(d) This section does not prevent the accrual of postjudgment interest on any portion of an award to which the United States does not have a subrogation right under 42 U.S.C. Section 1395y(b)(2)(B).

SECTION 2. Section 74.351(a), Civil Practice and Remedies Code, is amended to read as follows:

1 (a) In a health care liability claim, a claimant shall, not
2 later than the 120th day after the date each defendant's [the]
3 original answer is [petition was] filed, serve on that [each] party
4 or the party's attorney one or more expert reports, with a
5 curriculum vitae of each expert listed in the report for each
6 physician or health care provider against whom a liability claim is
7 asserted. The date for serving the report may be extended by
8 written agreement of the affected parties. Each defendant
9 physician or health care provider whose conduct is implicated in a
10 report must file and serve any objection to the sufficiency of the
11 report not later than the later of the 21st day after the date the
12 report is [it was] served or the 21st day after the date the
13 defendant's answer is filed, failing which all objections are
14 waived.

15 SECTION 3. (a) Section 41.014, Civil Practice and Remedies
16 Code, as added by this Act, applies only to an award of damages made
17 on or after the effective date of this Act. An award of damages made
18 before the effective date of this Act is governed by the law in
19 effect immediately before that date, and that law is continued in
20 effect for that purpose.

21 (b) Section 74.351(a), Civil Practice and Remedies Code, as
22 amended by this Act, applies only to an action commenced on or after
23 the effective date of this Act. An action commenced before the
24 effective date of this Act is governed by the law in effect
25 immediately before that date, and that law is continued in effect
26 for that purpose.

27 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 658 was passed by the House on May 3, 2013, by the following vote: Yeas 141, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 658 on May 24, 2013, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 658 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor