

1-1 By: Sheets, Krause (Senate Sponsor - Watson) H.B. No. 658
1-2 (In the Senate - Received from the House May 6, 2013;
1-3 May 7, 2013, read first time and referred to Committee on State
1-4 Affairs; May 17, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 658 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to certain lawsuits seeking damages.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 41, Civil Practice and Remedies Code, is
1-24 amended by adding Section 41.014 to read as follows:

1-25 Sec. 41.014. INTEREST ON DAMAGES SUBJECT TO MEDICARE
1-26 SUBROGATION. (a) Subject to this section, postjudgment interest
1-27 does not accrue on the unpaid balance of an award of damages to a
1-28 plaintiff attributable to any portion of the award to which the
1-29 United States has a subrogation right under 42 U.S.C. Section
1-30 1395y(b)(2)(B) before the defendant receives a recovery demand
1-31 letter issued by the Centers for Medicare and Medicaid Services or a
1-32 designated contractor under 42 C.F.R. Section 411.22.

1-33 (b) Postjudgment interest under this section does not
1-34 accrue if the defendant pays the unpaid balance before the 31st day
1-35 after the date the defendant receives the recovery demand letter.

1-36 (c) If the defendant appeals the award of damages, this
1-37 section does not apply.

1-38 (d) This section does not prevent the accrual of
1-39 postjudgment interest on any portion of an award to which the United
1-40 States does not have a subrogation right under 42 U.S.C. Section
1-41 1395y(b)(2)(B).

1-42 SECTION 2. Section 74.351(a), Civil Practice and Remedies
1-43 Code, is amended to read as follows:

1-44 (a) In a health care liability claim, a claimant shall, not
1-45 later than the 120th day after the date each defendant's [the]
1-46 original answer is [petition was] filed, serve on that [each] party
1-47 or the party's attorney one or more expert reports, with a
1-48 curriculum vitae of each expert listed in the report for each
1-49 physician or health care provider against whom a liability claim is
1-50 asserted. The date for serving the report may be extended by
1-51 written agreement of the affected parties. Each defendant
1-52 physician or health care provider whose conduct is implicated in a
1-53 report must file and serve any objection to the sufficiency of the
1-54 report not later than the later of the 21st day after the date the
1-55 report is [it was] served or the 21st day after the date the
1-56 defendant's answer is filed, failing which all objections are
1-57 waived.

1-58 SECTION 3. (a) Section 41.014, Civil Practice and Remedies
1-59 Code, as added by this Act, applies only to an award of damages made
1-60 on or after the effective date of this Act. An award of damages made

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

2-4 (b) Section 74.351(a), Civil Practice and Remedies Code, as
2-5 amended by this Act, applies only to an action commenced on or after
2-6 the effective date of this Act. An action commenced before the
2-7 effective date of this Act is governed by the law in effect
2-8 immediately before that date, and that law is continued in effect
2-9 for that purpose.

2-10 SECTION 4. This Act takes effect September 1, 2013.

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