

By: Sheets, Lewis, Eiland

H.B. No. 2843

Substitute the following for H.B. No. 2843:

By: Hunter

C.S.H.B. No. 2843

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an objection of a defendant physician or health care
3 provider to an expert report filed in a health care liability claim.

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

5 SECTION 1. Section 74.351(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

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

21 SECTION 2. The change in law made by this Act applies only
22 to an action commenced on or after the effective date of this Act.
23 An action commenced before the effective date of this Act is
24 governed by the law in effect immediately before the effective date

1 of this Act, and that law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2013.