

By: Sheets

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, Civil Practice and Remedies  
6 Code, is amended by amending Subsection (a) 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 the original petition]~~ each  
9 respective defendant's answer was filed, serve on ~~[each]~~ that party  
10 or ~~[the]~~ that 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 physician  
15 or health care provider whose conduct is implicated in a report must  
16 file and serve any objection to the sufficiency of the report ~~[not~~  
17 ~~later than]~~ on or before the 21st day following the defendant's  
18 answer or, the 21st day after the date [it] the report was served,  
19 whichever is later, failing which all objections are waived.

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

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