

**House Bill 658**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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. **The change in law made by this Act** applies only to an award of damages made on or after the effective date of this Act. An award of damages made before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SENATE VERSION (CS)

SECTION 1. Same as House version.

CONFERENCE

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

**(b) Section 74.351(a), Civil Practice and Remedies Code, as amended by this Act, applies only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law in**

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effect immediately before that date, and that law is continued in effect for that purpose.

No equivalent provision.

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

(a) In a health care liability claim, a claimant shall, not later than the 120th day after the date each defendant's ~~[the]~~ original answer is ~~[petition was]~~ filed, serve on that ~~[each]~~ party or the party's attorney 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. The date for serving the report may be extended by written agreement of the affected parties. Each defendant physician or health care provider whose conduct is implicated in a report must file and serve any objection to the sufficiency of the report not later than the later of the 21st day after the date the report is ~~[it was]~~ served or the 21st day after the date the defendant's answer is filed, failing which all objections are waived.

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

SECTION 4. Same as House version.