

## **BILL ANALYSIS**

Senate Research Center

H.B. 1403  
By: Sheets et al. (Estes)  
State Affairs  
5/20/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1403 amends the Civil Practice and Remedies Code to specify that the term "health care liability claim," as defined in statutory provisions governing medical liability, does not include certain causes of action under the Texas Workers' Compensation Act against an employer by an employee or the employee's surviving spouse or heir to recover damages for personal injuries or death sustained by an employee in the course and scope of the employment or to recover exemplary damages for death caused by an intentional act or omission of the employer or by the employer's gross negligence.

H.B. 1403 requires an expert report served by a claimant in a health care liability claim on each defendant or the defendant's attorney to address at least one theory of direct liability asserted against each physician or health care provider against whom a theory of direct liability is asserted.

H.B. 1403 amends current law relating to the definition of health care liability claim for the purposes of certain laws governing those claims.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 74.001(a)(13), Civil Practice and Remedies Code, to redefine "health care liability claim" to provide that the term does not include a cause of action described by Section 406.033(a) (relating to burden of proof in an action against an employer by or on behalf of an employee who is not covered by workers' compensation insurance obtained in the manner authorized by Section 406.003 to recover damages for personal injuries or death sustained by an employee in the course and scope of the employment) or 408.001(b) (providing that this section does not prohibit the recovery of exemplary damages by the surviving spouse or heirs of the body of a deceased employee whose death was caused by an intentional act or omission of the employer or by the employer's gross negligence), Labor Code, against an employer by an employee or the employee's surviving spouse or heir.

SECTION 2. Provides that the change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.