

By: Estes

S.B. No. 1521

A BILL TO BE ENTITLED

AN ACT

relating to the determination of expert reports in a health care liability claim for the purposes of certain laws governing those claims.

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

SECTION 1. Section 74.001(a)(13), Civil Practice and Remedies Code, is amended to read as follows:

(13) "Health care liability claim" means a cause of action against a health care provider or physician for treatment, lack of treatment, or other claimed departure from accepted standards of medical care, or health care, or safety or professional or administrative services directly related to health care, which proximately results in injury to or death of a claimant, whether the claimant's claim or cause of action sounds in tort or contract. The term does not include a cause of action described by Section 406.033(a) or 408.001(b), Labor Code, against an employer by an employee or the employee's surviving spouse or heir.

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 original answer is filed, serve on that 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

1 provider against whom a liability claim is asserted. The report
2 shall address at least one theory of direct liability asserted
3 against each physician or health care provider if a direct theory of
4 liability is asserted. The date for serving the report may be
5 extended by written agreement of the affected parties. Each
6 defendant physician or health care provider whose conduct is
7 implicated in a report must file and serve any objection to the
8 sufficiency of the report not later than the later of the 21st day
9 after the date the report is served or the 21st day after the date
10 the defendant's answer is filed, failing which all objections are
11 waived.

12 SECTION 3. The change in law made by this Act applies only
13 to a cause of action that accrues on or after the effective date of
14 this Act. A cause of action that accrues before the effective date
15 of this Act is governed by the law applicable to the cause of action
16 immediately before the effective date of this Act, and that law is
17 continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2015.