

By: Schofield

H.B. No. 2300

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the recovery in a civil action of medical or health care
3 expenses as economic damages.

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

5 SECTION 1. Section 41.0105, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 41.0105. RECOVERY OF MEDICAL OR HEALTH CARE EXPENSES
8 AS [EVIDENCE RELATING TO AMOUNT OF] ECONOMIC DAMAGES. (a) In
9 addition to any other limitation under law, recovery of medical or
10 health care expenses incurred is limited to the amount actually
11 paid or incurred by or on behalf of the claimant.

12 (b) The amount actually paid or incurred by or on behalf of
13 the claimant for medical or health care expenses incurred for
14 treatment by a physician is limited to the amount the treating
15 physician normally would be paid for similar services in a
16 nonlitigation context, determined as follows to the extent
17 applicable:

18 (1) if the claimant was covered by health insurance or
19 any other form of health benefits, including workers' compensation,
20 Medicare, or Medicaid, that would pay or reimburse the expenses and
21 the claimant accessed those benefits in obtaining the services, the
22 amount actually paid or incurred by or on behalf of the claimant is
23 limited to the amount that the payor of the benefits paid or would
24 pay for the services plus any cost-sharing amount for which the

1 claimant is responsible, up to the allowed amount on which the
2 payor's payment is or would be based; or

3 (2) if the claimant did not have health benefits
4 described by Subdivision (1) or did not access those benefits in
5 obtaining the services, the amount actually paid or incurred by or
6 on behalf of the claimant is limited to 125 percent of the Medicare
7 reimbursement rate for the services.

8 SECTION 2. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrued before the effective date
11 of this Act is governed by the law applicable to the cause of action
12 immediately before the effective date of this Act, and that law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2017.