

By: Schwertner

S.B. No. 1215

A BILL TO BE ENTITLED

AN ACT

relating to recovery of medical or health care expenses in civil actions.

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

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

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

(b) The trier of fact shall consider a claimant's failure to seek reimbursement for medical or health care expenses that are obligated to be paid on the claimant's behalf a failure to mitigate the claimant's damages.

SECTION 2. Section 41.0105, 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 applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2019.