

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 1, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB207 by Schwertner (Relating to recovery of medical or health care expenses in civil actions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to provides that in addition to any other limitation under law, recovery of medical or health care expenses in a civil action is determined in accordance with Section 41.0105. The bill would also provide that in a civil action in which medical or health care expenses are actually paid by the claimant, a health benefit plan, workers' comp insurance, employer-provided plan, Medicaid, or Medicare, a party may introduce in evidence only the amounts paid to the medial or health care provider for the services provided to the person whose injury or death is the subject of the action.

The bill would provide that in any civil action, a party may introduce in evidence amounts paid to a medical or health care provider for services provided to the person whose injury or death is the subject of the action by a cafeteria plan or health savings account or by any person to satisfy a copayment or deductible. The bill would provides that in any civil action in which a claimant seeks recovery of medical or health care expenses the claimant must disclose to all parties any formal or informal agreement under which the provider may wholly or partly refund, rebate, or remit any amount of money or give anything of value to the claimant or anyone associated with the claimant.

The bill would amend the Civil Practice and Remedies Code to provide that unless notice of intent to controvert the reasonableness of the amounts charged or the necessity for medical or health services is served as provided by Section 18.001, an affidavit complying with Section 18.001 with certain information is sufficient evidence to support a finding that the amount charged was reasonable or service necessary. The bill would provide that the party intending the controvert the reasonableness of the amounts charged or necessity for medical services must provide notice of that intent within a certain time frame. The bill would also provide that a party may not controvert the reasonableness of charges for medical or health care services stated in an affidavit served under Section 18.001 in certain circumstances. The bill outlines certain trial procedures related to the affidavit.

The bill would also repeal Civil Practice and Remedies Code Section 18.001(f) and (g), which relate to the contents of the affidavit and require certain written notice to be filed with the clerk when serving the counter affidavit.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, BH, SMAT