

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 6, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB207 by Schwertner (relating to recovery of medical or health care expenses in civil actions.),
Committee Report 1st House, Substituted

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.

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, SMAT, BH