

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

Revision 2

April 13, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB232 by Johnson (relating to service of expert reports for health care liability claims.), **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 provide that a person may appeal from an interlocutory order of certain courts that make a preliminary determination on a claim under Civil Practice and Remedies Code Section 74.353. The bill would permit a court, on motion of a claimant filed not later than 30 days after the date each defendant's original answer is filed, to issue a preliminary determination regarding whether a claim is a health care liability for Section 74.351. The bill would require that if the court does determine the claim is a health care liability, the claimant shall serve the expert report within a certain amount of time.

The bill would provide that if a court does not issue a preliminary determination within a certain amount of time the court must issue a preliminary determination that the claim is a health care liability claim under Section 74.351. The bill would provide that a preliminary determination is subject to interlocutory appeal by either the claimant or defendant.

Based on information provided by the Office of Court Administration, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

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, CMA, DA