

BILL ANALYSIS

Senate Research Center
88R8195 JES-D

S.B. 2171
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 74.351(r)(5), Civil Practice and Remedies Code, does not authorize a chiropractor to serve as an expert witness on the issue of causation in a chiropractor's malpractice suit. Other medical professionals, such as dentists, podiatrists and physicians, however, are allowed to testify on the issue of causation for malpractice claims for their respective fields.

A chiropractic malpractice claim is best served by allowing a chiropractor to offer expert testimony on the causal relationship between a claimed injury, harm, or damages and an alleged departure from the applicable standard of chiropractic care.

Section 74.351(r)(5), Civil Practice and Remedies Code, already authorizes a chiropractor to offer expert witness testimony about whether a chiropractor departed from the standard of chiropractic care.

S.B. 2171 merely authorizes a chiropractor to also offer expert testimony on the causal relationship between a claimed injury, harm, or damages and the alleged departure from the standard of chiropractic care.

As proposed, S.B. 2171 amends current law relating to the qualifications of experts in certain health care liability claims.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.351(r)(5), Civil Practice and Remedies Code, to redefine "expert."

SECTION 2. Amends Section 74.403, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (c-1), as follows:

(a) Creates an exception under Subsection (c-1). Makes nonsubstantive changes.

(c-1) Authorizes a person, in a suit involving a health care liability claim against a chiropractor, to qualify as an expert witness on the issue of the causal relationship between the alleged departure from accepted standards of care and the injury, harm, or damages claimed if the person is a chiropractor or physician and is otherwise qualified to render opinions on that causal relationship under the Texas Rules of Evidence.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.