

BILL ANALYSIS

Senate Research Center
79R8933 AJA-F

S.B. 1190
By: Wentworth
Jurisprudence
3/31/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1190 amends the law relating to health care liability claims to clarify the procedures for identifying a responsible third party, the timelines for filing expert reports, and the authorization of the deposition of a defendant before the expert report is filed.

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 74.002(b), Civil Practice and Remedies Code, to provide that in the event of a conflict between this chapter and Section 33.004 (Designation of Responsible Third Party), 101.023 (Limitation on Amount of Liability), 102.003 (Maximum Payments), or 108.002 (Limitation Liability), those sections of this code control to the extent of the conflict.

SECTION 2. Amends Section 74.051, Civil Practice and Remedies Code, by adding Subsection (f) to provide that this section applies to any party seeking to designate a responsible third party under Section 33.004.

SECTION 3. Amends Sections 74.351(a) and (u), Civil Practice and Remedies Code, as follows:

(a) Requires a claimant, in a health care liability claim, no later than the 120th day after the date the suit was filed, to serve on each party or the party's attorney one or more expert reports, with a curriculum vitae of each expert listed in the report for each physician or health care provider against whom a liability claim is asserted.

(u) Authorizes, after a claim is filed, all claimants, collectively, to take not more than two depositions of any party or other person, including a defendant, before the expert report is served as required by Subsection (a), notwithstanding any other provision of this section.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.