

BILL ANALYSIS

Senate Research Center
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S.B. 1106
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a chiropractor is not authorized to serve as an expert witness on causation in a malpractice suit concerning chiropractic treatment.

Texas Civil Practice and Remedies Code Section 74-351(r)(5) defines which health providers may give expert testimony on the causal relationship between a claimed injury, harm, or damages and an alleged departure from the applicable standard of care. The statute authorizes dentists to offer expert testimony on causation in malpractice claims concerning dental care, podiatrists to offer expert testimony on causation in malpractice claims concerning podiatric care, and physicians to offer expert testimony on causation in any type of medical malpractice claim.

Unfortunately, the law does not similarly authorize a chiropractor to offer expert testimony on causation in malpractice claims concerning chiropractic care, meaning only a physician can do so.

Chiropractors are qualified on musculoskeletal issues, and therefore have a unique ability to identify departures from the standard of chiropractic care and the degree to which such departure caused an injury, harm, or damage.

As proposed, S.B. 1106 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" to include, with respect to a person giving opinion testimony about the causal relationship between the injury, harm, or damages claimed and the alleged departure from the applicable standard of care for a chiropractor, a chiropractor or physician who is otherwise qualified to render opinions on such causal relationship under the Texas Rules of Evidence. Makes nonsubstantive changes.

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 as provided by Subsection (c-1) to the authorization of certain persons to qualify as expert witnesses.

(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, 2021.