

By: Turner of Tarrant

H.B. No. 2644

A BILL TO BE ENTITLED

AN ACT

relating to the scope of a health care liability claim.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 74.001(a)(2) and (13), Civil Practice and Remedies Code, are amended to read as follows:

(2) "Claimant" means a patient ~~[person]~~, including a deceased patient's ~~[decedent's]~~ estate, seeking or who has sought recovery of damages in a health care liability claim. In a cause of action in which a party seeks recovery of damages related to injury to another person who is a patient, or other harm to the patient, "claimant" includes both the patient and the party seeking recovery of damages. ~~[All persons claiming to have sustained damages as the result of the bodily injury or death of a single person are considered a single claimant.]~~

(13) "Health care liability claim" means a cause of action against a health care provider or physician for treatment, lack of treatment, or other claimed departure from accepted standards of medical care, or health care, or safety directly related to health care, or professional or administrative services directly related to health care, which proximately results in injury to or death of a claimant, whether the claimant's claim or cause of action sounds in tort or contract. The term does not include claims arising from an injury to or death of a person who is not a patient, including employment and premises liability claims.

1 SECTION 2. The amendment to Section 74.001, Civil Practice
2 and Remedies Code, by this Act is intended to clarify rather than
3 change existing law.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2013.