

## **BILL ANALYSIS**

H.B. 3186  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been reported that under current law, claimants in health care liability cases may avoid submitting expert reports for defendants by alleging vicarious liability in their original petition and then amending their lawsuit later to assert more direct theories of liability. H.B. 3186 seeks to address this issue by requiring a claimant to file an expert report at the time the claimant files a pleading alleging direct liability.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3186 amends the Civil Practice and Remedies Code to require a claimant in a health care liability claim who files an amended or supplemental pleading that asserts a theory of direct liability against a defendant against whom the claimant had previously asserted only a theory of vicarious liability, not later than the 60th day after the date the claimant files the pleading, to serve on that defendant or that defendant's attorney an expert report that addresses at least one theory of direct liability asserted against that defendant in that pleading and a curriculum vitae of each expert listed in that expert report.

### **EFFECTIVE DATE**

September 1, 2019.