

## **BILL ANALYSIS**

H.B. 2362  
By: Moody  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that the law relating to the standard of proof for medical malpractice cases is overbroad and has led to unnecessary lawsuits. H.B. 2362 attempts to address this issue by specifying certain situations where the standard of proof does not apply.

### **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. 2362 amends the Civil Practice and Remedies Code to make statutory provisions relating to the standard of proof for health care liability claims involving emergency medical care inapplicable to any medical care or treatment that is:

- provided when a patient arrives at a health care institution in stable condition or capable of receiving medical care or treatment as a nonemergency patient;
- provided after the patient is stabilized or capable of receiving medical care or treatment as a nonemergency patient;
- provided in an obstetrical unit if the patient arrives at a hospital for medical care or treatment for a non-obstetric emergency;
- unrelated to the original medical emergency for which the patient initially sought medical care or treatment; or
- related to an emergency caused wholly or partly by the negligence of any defendant.

### **EFFECTIVE DATE**

September 1, 2019.