

SENATE BILL 333

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 26, relative to certificates of good faith in
health care liability actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-26-122(d)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If a party in a health care liability action subject to this section prevails on the basis of the failure of an opposing party to offer any competent expert testimony as required by § 29-26-115, the court shall, upon motion, compel the opposing party or party's counsel to provide to the court and to the prevailing party a copy of each expert's signed written statement relied upon in executing the certificate of good faith. The court may order the provision of the statement during litigation or at the conclusion of litigation. If the court orders provision of the statement during litigation, then the party receiving the statement shall not disclose the statement to other parties to the ongoing litigation, and the statement shall not be discoverable by the other parties to the ongoing litigation. The medical experts may be compelled to provide testimony under oath, as determined by the court, for the purposes of determining a party's compliance with subsection (a) or (b).

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.