

Amend CSHB 2641 (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 74A.001, Civil Practice and Remedies Code (page 1, between lines 51 and 52), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that section and any cross-references to those subdivisions accordingly:

() "Malice" has the meaning assigned by Section 41.001.

(2) Strike added Section 74A.002(c), Civil Practice and Remedies Code (page 2, lines 14-19), and substitute the following:

(c) Notwithstanding any other law, information or evidence regarding the existence of a health information exchange or a health care provider's use of or failure to use the exchange is not admissible in a civil, judicial, or administrative proceeding for the purpose of creating or establishing a standard of care, duty, or obligation that forms the basis for a cause of action or proceeding applicable to a health care provider, including in a suit involving or based on a health care liability claim.

(3) In added Section 74A.002(d), Civil Practice and Remedies Code (page 2, line 20), strike "intent" and substitute "malice".

(4) In added Section 74A.003(a), Civil Practice and Remedies Code (page 2, line 45), strike "intent" and substitute "malice".