

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 84th Legislature, Regular Session, 2015, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 2641 (the exchange of health  
6 information in this state; creating a criminal offense) to consider  
7 and take action on the following matter:

8 House Rule 13, Section 9(a)(4), is suspended to permit the  
9 committee to add text on a matter which is not included in either  
10 the house or senate version of the bill by adding, in proposed  
11 SECTION 1 of the bill, Section 74A.002, Civil Practice and Remedies  
12 Code, as follows:

13 Sec. 74A.002. LIMITATION ON LIABILITY OF HEALTH CARE  
14 PROVIDERS RELATING TO HEALTH INFORMATION EXCHANGES. (a) Unless the  
15 health care provider acts with malice or gross negligence, a health  
16 care provider who provides patient information to a health  
17 information exchange is not liable for any damages, penalties, or  
18 other relief related to the obtainment, use, or disclosure of that  
19 information in violation of federal or state privacy laws by a  
20 health information exchange, another health care provider, or any  
21 other person.

22 (b) Nothing in this section may be construed to create a  
23 cause of action or to create a standard of care, obligation, or duty  
24 that forms the basis for a cause of action.

H.R. No. 3475

1           Explanation: This addition is necessary to provide language  
2 for limitation of liability of health care providers relating to  
3 health information exchanges that is agreeable to both chambers.

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Speaker of the House

I certify that H.R. No. 3475 was adopted by the House on May 31, 2015, by the following vote: Yeas 125, Nays 17, 2 present, not voting.

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Chief Clerk of the House