

Suspending limitations on conference committee
jurisdiction, H.B. No. 2641 (Zerwas/Schwertner)

By: Zerwas

H.R. No. 3475

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.

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.