

SIXTY-NINTH LEGISLATURE

REGULAR SESSION

CHAPTERS 431-920

CHAPTER 431

S.B. No. 656

An Act amending Section 3, Chapter 372, Acts of the 58th Legislature, Regular Session, 1963, as added by Chapter 568, Acts of the 61st Legislature, Regular Session, 1969 (Article 4447d, Vernon's Texas Civil Statutes), relating to the confidentiality of certain records of committees of hospitals and medical organizations and to immunity for furnishing certain information to the committees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3, Chapter 372, Acts of the 58th Legislature, Regular Session, 1963, as added by Chapter 568, Acts of the 61st Legislature, Regular Session, 1969 (Article 4447d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The records and proceedings of any *committee or joint committee of a hospital* ~~[committee]~~, medical organization, *university medical school, university health science center,* ~~[committee]~~ or extended care facility, *whether appointed on an ad hoc basis to conduct a specific investigation or* ~~[committee]~~ established under state or federal law or regulations or under the by-laws, rules or regulations of such organization or institution, shall be confidential and shall be used by such committee and the members thereof only in the exercise of the proper functions of the committee and shall not be public records and shall not be available for court subpoena; provided, however, that nothing herein shall apply to records made or maintained in the regular course of business by a hospital or extended care facility. No physician, hospital, *medical organization, university health science center, university medical school, or any officer or employee thereof* ~~[or institution]~~ furnishing information, data, reports, or records to any such committee with respect to any patient examined or treated by such physician or *treated or confined in any such hospital, or any clinic or facility staffed or operated by a university health science center or university medical school,* ~~[or institution]~~ shall, by reason of furnishing such information, be liable in damages to any person. No member of such a committee shall be liable in damages to any person for any action taken or recommendation made within the scope of the functions of such committee if such committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is

CH 431

69th LEGIS—REGULAR SESSION

hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 21, 1985, by a non-record vote.

Approved: June 11, 1985

Effective: August 26, 1985