

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 190*
Committee Substitute Favorable 3/24/99

Short Title: State Hospitals/Peer Review/AB.

(Public)

Sponsors:

Referred to:

March 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CERTAIN FACILITIES TO SHARE PEER REVIEW
3 INFORMATION WITH ACCREDITING ORGANIZATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 122C-191(e) reads as rewritten:

6 "(e) For purposes of peer review functions only:

7 (1) A member of a duly appointed quality assurance committee who acts
8 without malice or fraud shall not be subject to liability for damages in
9 any civil action on account of any act, statement, or proceeding
10 undertaken, made, or performed within the scope of the functions of the
11 ~~committee; and committee.~~

12 (2) The proceedings of a quality assurance committee, the records and
13 materials it produces, and the material it considers shall be confidential
14 and not considered public records within the meaning of G.S. 132-1,
15 "'Public records' defined,"and shall not be subject to discovery or
16 introduction into evidence in any civil action against a facility or a
17 provider of professional health services that results from matters which
18 are the subject of evaluation and review by the committee. No person
19 who was in attendance at a meeting of the committee shall be required

1 to testify in any civil action as to any evidence or other matters
2 produced or presented during the proceedings of the committee or as to
3 any findings, recommendations, evaluations, opinions, or other actions
4 of the committee or its members. However, information, documents or
5 records otherwise available are not immune from discovery or use in a
6 civil action merely because they were presented during proceedings of
7 the committee, and nothing herein shall prevent a provider of
8 professional health services from using such otherwise available
9 information, documents or records in connection with an administrative
10 hearing or civil suit relating to the medical staff membership, clinical
11 privileges or employment of the provider. A member of the committee
12 or a person who testifies before the committee may be subpoenaed and
13 be required to testify in a civil action as to events of which the person
14 has knowledge independent of the peer review process, but cannot be
15 asked about his testimony before the committee for impeachment or
16 other purposes or about any opinions formed as a result of the
17 committee hearings.

18 (3) Peer review information that is confidential and is immune from
19 discovery or use in civil actions under subdivision (2) of this subsection
20 may be released to a professional standards review organization that
21 contracts with an agency of this State or the federal government to
22 perform any accreditation or certification function. Information
23 released under this subdivision shall be limited to that which is
24 reasonably required by the review organization to grant or continue
25 accreditation or certification. Information released under this
26 subdivision retains its confidentiality and immunity as provided under
27 subdivision (2) of this subsection, and the organization shall keep the
28 information confidential subject to that subdivision."

29 Section 2. This act is effective when it becomes law.