

1 *Senate* BILL NO. 95
 2 INTRODUCED BY Thomas - Peters - Burgess Lee
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM
 5 CIVIL DAMAGE SUITS FOR MEMBERS OF CERTAIN PRIVATE NURSING
 6 COMMITTEES; PROVIDING AN EVIDENTIAL PRIVILEGE AS TO WORKING
 7 PAPERS AND TESTIMONY OF MEMBERS OF SUCH COMMITTEES; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions of certain committees. In
 12 [Sections 2 and 3] the following definitions apply:

13 (1) "Peer review committee" means a private committee
 14 of registered professional nurses (RN) or licensed practical
 15 nurses (LPN), or both, that secures information and makes
 16 observations regarding the occupation-related behavior and
 17 performance of practicing nurses.

18 (2) "Professional standards review committee" means a
 19 private committee of RNs or LPNs, or both, that examines the
 20 totality of nursing care delivered in a particular setting
 21 by a particular group of nurses.

22 (3) "Utilization review committee" means a private
 23 committee of RNs or LPNs, or both, which makes
 24 determinations as to the health care needs of a particular
 25 patient at a particular time with a view toward reducing

1 length of stay in a health care facility or length of
 2 service needed in other settings for the purpose of reducing
 3 health care costs and patient expense.

4 (4) "Audit committee" means a committee of RNs or
 5 LPNs, or both, which reviews patient care records in order
 6 to measure the quality of nursing care.

7 Section 2. Nonliability of committee members. No
 8 registered professional nurse or licensed practical nurse
 9 who is a member of a peer review, professional standards
 10 review, utilization review, or audit committee is liable in
 11 damages to any person for an action taken or recommendation
 12 made within the scope of the functions of the committee, if
 13 the committee member acts in the reasonable belief that the
 14 action, or recommendation is warranted by the facts known to
 15 such member after a reasonable effort has been made to
 16 obtain the facts of the matter for which the action is taken
 17 or the recommendation made.

18 Section 3. Evidential privilege for committee papers
 19 and member testimony. (1) Any notes, studies, reports, or
 20 other documents prepared by or at the request of or coming
 21 into the hands of a peer review, professional standards
 22 review, utilization review, or audit committee or a member
 23 thereof in the proper exercise of the committee's functions
 24 may not be introduced in evidence in any judicial proceeding
 25 without the consent of the committee acting as a body or of

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1 a person who is a subject of such notes, studies, reports,
2 or other documents.

3 (2) The testimony of a member of a peer review,
4 professional standards review, utilization review, or audit
5 committee regarding the activities of the committee within
6 the proper scope of its functions may not be introduced in
7 evidence in any judicial proceeding without the consent of
8 the committee acting as a body or of a person who would be a
9 subject of such testimony.

10 (3) This section does not affect the admissibility in
11 evidence of health care facility records kept in the
12 ordinary course of operation from which such notes, studies,
13 reports, or other documents are derived or from which such
14 testimony would be derived.

15 Section 4. Effective date. This act is effective on
16 passage and approval.

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