SENATE BILL NO. 382

INTRODUCED BY HAGER

IN THE SENATE

FEBRUARY 10, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.

FIRST READING.

FEBRUARY 16, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 17, 1989 PRINTING REPORT.

FEBRUARY 18, 1989 SECOND READING, DO PASS.

FEBRUARY 20, 1989 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

MARCH 13, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1989 SECOND READING, CONCURRED IN.

MARCH 17, 1989 THIRD READING, CONCURRED IN. AYES, 80; NOES, 15.

RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED. LC 1436/01

Hager BILL NO. 382 1 2 INTRODUCED BY 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IMMUNITY 5 FROM LIABILITY FOR MEDICAL ETHICS REVIEW COMMITTEE MEMBERS: 6 TO PROHIBIT THE DISCOVERY AND ADMISSION OF MEDICAL ETHICS 7 REVIEW COMMITTEE PROCEEDINGS AND RECORDS: AND AMENDING SECTION 37-2-201, MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

TO BE IT EMACLED BI THE BEGISTATIONS OF THE STATE OF MONITHIA,

11 Section 1. Section 37-2-201, MCA, is amended to read: 12 "37-2-201. Nonliability for-peer-review -- evidential 13 privilege -- application to nonprofit corporations. (1) No 14 member of a utilization review or medical ethics review committee of a hospital or long-term care facility or of a 15 professional utilization committee, peer review committee, 16 17 medical ethics review committee, or professional standards 18 review committee of a society composed of persons licensed 19 to practice a health care profession is liable in damages to 20 any person for any action taken or recommendation made 21 within the scope of the functions of the committee if the 22 committee member acts without malice and in the reasonable 23 belief that the action or recommendation is warranted by the 24 facts known to him after reasonable effort to obtain the 25 facts of the matter for which the action is taken or a

Montana Legislative Council

1 recommendation is made.

(2) The proceedings and records of professional 2 utilization, peer review, medical ethics review, and 3 professional standards review committees are not subject to Δ discovery or introduction into evidence in any proceeding. 5 However, information otherwise discoverable or admissible 6 from an original source is not to be construed as immune 7 from discovery or use in any proceeding merely because it 8 was presented during proceedings before the committee, nor q is a member of the committee or other person appearing 10 before it to be prevented from testifying as to matters 11 within his knowledge, but he cannot be questioned about his 12 testimony or other proceedings before the committee or about 13 opinions or other actions of the committee or any member 14 15 thereof.

16 (3) This section also applies to any member, agent, or
17 employee of a nonprofit corporation engaged in performing
18 the functions of a peer review, medical ethics review, or
19 professional standards review committee."

-End-

INTRODUCED BILL

58 382

LC 1436/01

51st Legislature

LC 1436/01

LC 1436/01

APPROVED BY COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Sunch BILL NO. 392 1 INTRODUCED BY 2 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IMMUNITY 5 FROM LIABILITY FOR MEDICAL ETHICS REVIEW COMMITTEE MEMBERS; 6 TO PROHIBIT THE DISCOVERY AND ADMISSION OF MEDICAL ETHICS 7 REVIEW COMMITTEE PROCEEDINGS AND RECORDS; AND AMENDING 8 SECTION 37-2-201, MCA."

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-End-



LC 1436/01

Hager BILL NO. 3P2 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE IMMUNITY 4

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-End-

-2- THIRD READING

SB 0382/02

SB 0382/02

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| INTRODUCED BY HAGER | |
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-End-

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SB 382

REFERENCE BILL