

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.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

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.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Sen. Hoyer BILL NO. 382
2 INTRODUCED BY Hoyer
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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."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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
15 committee of a hospital or long-term care facility or of a
16 professional utilization committee, peer review committee,
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

1 recommendation is made.

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

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

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