

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, Chair, on February 20, 1993, at 7:45 a.m.

ROLL CALL

Members Present:

Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Tom Hager (R)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Council
Laura Turman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None.
Executive Action: SB 409

EXECUTIVE ACTION ON SB 409

Discussion:

Chairman Eck said the amendments from the Health Department had been adopted, and Sen. Towe had two more sets of amendments to SB 409. Chairman Eck asked if the third set of amendments were compatible.

Sen. Towe said the third set of amendments was compatible. Sen. Towe went over the second set of amendments to SB 409. (Exhibit #1)

Motion/Vote:

Sen. Towe moved that set of amendments to SB 409. The motion carried unanimously.

Discussion:

Sen. Towe said the third set of amendments does what the author intended SB 409 to do regarding peer review. Sen. Towe called the Committee's attention to the in-hospital staff committees set forth in 50-16-201. This statute states that patient information is privileged, and a doctor-patient privilege is attached which takes care of many issues which concerned the Committee. One of these is that an individual cannot be forced to testify, and it allows the individual about whom the information relates to waive that. The doctor cannot waive it. On Page 2, Line 12, after "confidential" strike everything in the paragraph to Line 16 and add, "All such proceedings and records shall be privileged to said committee and the members of such committee, as though such patient or patients were patients of the members of the committee." Then, on Page 2, Line 20, after "confidential" add "and privileged." and strike everything else through Line 21. In Section 4, Page 3, Line 19, after "confidential" add "All such data and reports shall be privileged to the peer review committee and its members as though the person about which the information relates were the patient of the members of the committee."

Motion/Vote:

Sen. Towe moved that amendment. The motion carried unanimously.

Motion:

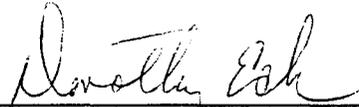
Sen. Towe moved SB 409 DO PASS as amended.

Vote:

The motion carried unanimously.

ADJOURNMENT

Adjournment: Chairman Eck adjourned the meeting, and announced that the Committee would meet again on Wednesday, March 3, 1993 at 3:00 p.m.



SENATOR DOROTHY ECK, Chair



LAURA TURMAN, Secretary

DE/LT

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 20, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 409 (first reading copy - white), respectfully report that Senate Bill No. 409 be amended as follows and as so amended do pass.

Signed: 
Senator Dorothy Eck, Chair

That such amendments read:

1. Title, line 14.

Following: "ALLOWING"

Insert: "CERTAIN"

2. Page 2, line 7.

Following: "organized"

Strike: "by the department"

3. Page 2, lines 12 through 16.

Following: "confidential"

Strike: the remainder of line 12 through "care" on line 16

Following: "."

Insert: "All proceedings and records are privileged information to the committee and the members of the committee as though the patient or patients were patients of the members of the committee."

4. Page 2, line 17.

Following: "(2)"

Strike: "The"

Insert: "Except as provided in subsection (4), the"

5. Page 2, line 18.

Following: "is"

Strike: "directed"

Insert: "organized by the department to review data concerning emergency medical and trauma care and"

6. Page 2, lines 20 and 21.

Following: "confidential"

Strike: the remainder of line 20 through "evidence" on line 21

Insert: "and privileged"

7. Page 3, line 13.

Following: "malice"

Insert: "or gross negligence"

8. Page 3, line 15.

Following: "."

Insert: "This section does not affect an action regarding the release or disclosure of confidential information."

9. Page 3, line 18.

Following: line 17

Insert: "All data and reports are privileged information to the peer review committee and its members as though the person to whom the information relates is a patient of the members of the committee."

10. Page 3, lines 19 through 21.

Following: "confidential"

Strike: the remainder of line 19 through "evidence" on line 21

11. Page 4, line 8.

Following: "facility"

Insert: ", unless the report is generated as part of an investigation of a possible violation of state licensure requirements by that entity"

12. Page 5, line 4.

Strike: "(1)"

13. Page 5, line 7.

Strike: "(a)"

Insert: "(1)"

14. Page 5, line 9.

Strike: "(b)" through "1"

Insert: "(2)"

15. Page 5, line 14.

Strike: "(c)"

Insert: "(3)"

16. Page 5, line 17.

Strike: "(d)"

Insert: "(4)"

17. Page 5, line 18.

Strike: "(e)"

Insert: "(5)"

18. Page 5, line 23.

Strike: "(f)"

Insert: "(6)"

19. Page 6, line 5.

Strike: "(g)"

Insert: "(7)"

20. Page 6, line 12.

Strike: "(h)"

Insert: "(8)"

21. Page 6, line 16.

Strike: "(i)"

Insert: "(9)"

22. Page 6, line 17.

Following: "information"

Insert: "that is not identifiable by individual"

23. Page 6, lines 19 through 25.

Strike: subsection (2) in its entirety

24. Page 6.

Following: line 25

Insert: "NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

-END-

Amendments to Senate Bill No. 409
First Reading CopyRequested by Sen. Towe
For the Committee on Public Health, Welfare, and SafetyPrepared by Susan B. Fox
February 19, 1993

1. Title, line 14.
Following: "ALLOWING"
Insert: "CERTAIN"
2. Page 3, line 13.
Following: "malice"
Insert: "or gross negligence"
3. Page 3, line 15.
Following: "."
Insert: "This section does not effect a negligence action
regarding the release or disclosure of confidential
information."
4. Page 5, line 4.
Strike: "(1)"
5. Page 5, line 7.
Strike: "(a)"
Insert: "(1)"
6. Page 5, line 9.
Strike: "(b)" through "1"
Insert: "(2)"
7. Page 5, line 14.
Strike: "(c)"
Insert: "(3)"
8. Page 5, line 17.
Strike: "(d)"
Insert: "(4)"
9. Page 5, line 18.
Strike: "(e)"
Insert: "(5)"
10. Page 5, line 23.
Strike: "(f)"
Insert: "(6)"
11. Page 6, line 5.
Strike: "(g)"
Insert: "(7)"

12. Page 6, line 12.

Strike: "(h)"

Insert: "(8)"

13. Page 6, line 17.

Following: "information"

Insert: "that is not personally identifiable"

14. Page 6, lines 19 through 25.

Strike: subsection (2) in its entirety