

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1493

By: Boyd (Betty)

AS INTRODUCED

An Act relating to public health and safety; creating the Medical Review Committee Confidentiality Act; defining terms; providing for powers and duties; providing for reviews; requiring confidentiality; providing for immunity; repealing 63 O.S. 1991, Section 1-1709, which relates to information concerning treatment and condition of certain patients; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1709.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 3 of this act shall be known as the Medical Review Committee Confidentiality Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1709.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

For the purposes of the Medical Review Committee Confidentiality Act:

1. "Health care provider" means any person, entity, facility or institution licensed by this state to provide health care or

professional services, or any director, trustee, officer, employee or agent thereof acting in the course and scope of his or her employment;

2. "Medical review" means the procedure for evaluation by health care providers, professional societies or practice associations of the quality and efficiency of medical services ordered or provided by other health care providers, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review and claims review;

3. "Professional society" means a public or private body organized in whole or in part for the purpose of maintaining standards of conduct and competence for chiropractors, dentists, nurses, optometrists, pharmacists, physicians, podiatrists and psychologists;

4. "Practice association" means an entity including but not limited to a health maintenance organization, an independent practice association as defined in Section 300e-1(5) of the Public Health Services Act, a preferred provider organization, that arranges for the provision of health care services by health care providers; and

5. "Medical review committee" shall include any committee of any professional society or practice association, or any committee of a health care provider established pursuant to written bylaws, any utilization review committee established pursuant to federal or state law or any peer review organization established pursuant to federal or state law engaging in medical review, to gather and review information relating to the care and treatment of patients for the purposes of:

- a. evaluating and improving the quality of health care rendered,
- b. reducing morbidity or mortality, or

- c. establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care.

The term medical review committee shall specifically include any board or committee of any hospital or other health care provider reviewing the professional qualifications or activities of its medical staff or applications for admission thereto.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1709.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

The proceedings of a medical review committee conducting a medical review shall be held in confidence and not be subject to discovery or introduction into evidence in any civil action for or against a health care provider arising out of the matters which are subject to evaluation and review by such committee, and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such committee or any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof; provided, however, that information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in such civil action merely because they were presented during proceedings of such committee, nor should any person who testifies before such committee or who is a member of such committee be prevented from testifying as to matters within his knowledge, but the said witness cannot be asked about his testimony before such committee or opinions formed by him as a result of such committee proceedings.

SECTION 4. REPEALER 63 O.S. 1991, Section 1-1709, is hereby repealed.

SECTION 5. This act shall become effective September 1, 1993.

44-1-5935

KSM