STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1602 By: Roach

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1709, which relates to certain medical institutions; providing for certain immunity; expanding scope of privileged communications; updating certain language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1709, is amended to read as follows:

Section 1-1709. A. 1. Any authorized person, hospital, sanatorium, nursing home or rest home, or other organization may provide information, interviews, reports, statements, memoranda or other data relating to the condition and treatment of any person to any of the following for use in the course of studies for the purpose of reducing morbidity or mortality: The State Board of Health; the Oklahoma State Medical Association, or any committee or allied society thereof; the American Medical Association, or other national organization approved by the State Board of Health, or any committee or allied medical society thereof; or any in-hospital staff committee.

2. No liability for damages or other relief shall arise or be enforced against any authorized person, institution or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

3. The recipients shall use or publish such information or material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication.

4. In all events, the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances. Any information furnished shall not contain the name of the person upon whom information is furnished and shall not violate the confidential relationship of patient and doctor.

B. Physicians and others appointed to hospital quality improvement committees or utilization or peer review committees for the purpose of determining the optimum use of hospital services, evaluating and improving quality of health care, acting as a professional standards review organization pursuant to the United States Code, Title 42, Section 1320-1 et seq. or determining whether a professional health care provider shall be granted clinical privileges in the hospital shall be immune from liability with respect to decisions made as to such utilization and actions thereunder so long as such physicians or others act in good faith. Nothing in this subsection shall be construed to relieve any patient's personal physician of any liability which such physician may have in connection with the treatment of such patient.

C. All information, interviews, reports, statements, memoranda, or other data furnished by reason of this section, and any findings or conclusions resulting from ~~such~~ any studies or by any committee established pursuant to this section, are declared to be privileged communications which may not be used or offered or received in evidence in any legal proceeding of any kind or character, and any attempt to use or offer any such information, interviews, reports, statements, memoranda or other data, findings or conclusions, or any part thereof, unless waived by the interested parties, shall constitute prejudicial error in any such proceeding. ~~Physicians and others appointed to hospital~~

~~utilization review committees for the purpose of determining the optimum use of hospital services shall be immune from liability with respect to decisions made as to such utilization and actions thereunder so long as such physicians or others act in good faith; provided, however, that nothing in this section shall be construed to relieve any patient's personal physician of any liability which he may have in connection with the treatment of such patient.~~

SECTION 2. This act shall become effective November 1, 1998.

46-2-9868 KSM