

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1443

By: Boyd

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1709, which relates to certain information and exemptions from liability for certain entities; adding to list of entities authorized to provide and receive certain information; updating language; providing an effective date; and declaring an emergency.

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:

A. 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 entities for use in the course of studies for the purpose of reducing morbidity or mortality:

1. The State Board of Health; ~~the~~

2. The Oklahoma State Medical Association, or any committee or allied society thereof; ~~the~~

3. The Oklahoma Osteopathic Association, or any committee or allied society thereof;

4. The Oklahoma Hospital Association, or any committee or allied society thereof;

5. The American Medical Association, ~~or other;~~

6. The American Osteopathic Association;

7. The American Hospital Association;

1 8. Any national organization approved by the State Board of
2 Health, or any committee or allied medical society thereof; or ~~any~~

3 9. Any in-hospital staff committee.

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

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

16 D. In all events, the identity of any person whose condition or
17 treatment has been studied shall be confidential and shall not be
18 revealed under any circumstances. Any information furnished shall
19 not contain the name of the person upon whom information is
20 furnished and shall not violate the confidential relationship of
21 patient and doctor. All information, interviews, reports,
22 statements, memoranda, or other data furnished by reason of this
23 section, and any findings or conclusions resulting from such
24 studies, are declared to be privileged communications which may not
25 be used or offered or received in evidence in any legal proceeding
26 of any kind or character, and any attempt to use or offer any such
27 information, interviews, reports, statements, memoranda or other
28 data, findings or conclusions, or any part thereof, unless waived by
29 the interested parties, shall constitute prejudicial error in any
30 such proceeding.

31 E. Physicians and others appointed to hospital utilization
32 review committees for the purpose of determining the optimum use of

1 hospital services shall be immune from liability with respect to
2 decisions made as to such utilization and actions thereunder so long
3 as such physicians or others act in good faith; provided, however,
4 that nothing in this section shall be construed to relieve any
5 patient's personal physician of any liability which he may have in
6 connection with the treatment of such patient.

7 SECTION 2. This act shall become effective July 1,1999.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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