

1 ENGROSSED HOUSE
2 BILL NO. 3199

By: Stark, Newton, and
Provenzano of the House

3 and

4 Haste of the Senate

5
6
7 An Act relating to public health and safety; amending
8 63 O.S. 2021, Section 1-1709.1, which relates to peer
9 review; adding to the health care professionals
10 definition; and providing an effective date.

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

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1709.1, is
13 amended to read as follows:

14 Section 1-1709.1 A. As used in this section:

15 1. "Credentialing or recredentialing data" means:

- 16 a. the application submitted by a health care
17 professional requesting appointment or reappointment
18 to the medical staff of a health care entity or
19 requesting clinical privileges or other permission to
20 provide health care services at a health care entity,
21 b. any information submitted by the health care
22 professional in support of such application,
23 c. any information, unless otherwise privileged, obtained
24 by the health care entity during the credentialing or

1 recredentialing process regarding such application,
2 and

3 d. the decision made by the health care entity regarding
4 such application;

5 2. "Credentialing or recredentialing process" means any
6 process, program or proceeding utilized by a health care entity to
7 assess, review, study or evaluate the credentials of a health care
8 professional;

9 3. "Health care entity" means:

10 a. any hospital or related institution offering or
11 providing health care services under a license issued
12 pursuant to Section 1-706 of this title,

13 b. any ambulatory surgical center offering or providing
14 health care services under a license issued pursuant
15 to Section 2660 of this title,

16 c. the clinical practices of accredited allopathic and
17 osteopathic state medical schools, and

18 d. any other entity directly involved in the delivery of
19 health care services that engages in a credentialing
20 or peer review process;

21 4. "Health care professional" means any person authorized to
22 practice allopathic medicine and surgery, osteopathic medicine,
23 podiatric medicine, optometry, chiropractic, psychology, dentistry,
24 or a dental specialty, a physician assistant, or an advanced

1 practice registered nurse under a license issued pursuant to Title
2 59 of the Oklahoma Statutes;

3 5. "Peer review information" means all records, documents and
4 other information generated during the course of a peer review
5 process, including any reports, statements, memoranda,
6 correspondence, record of proceedings, materials, opinions,
7 findings, conclusions and recommendations, credentialing data and
8 recredentialing data, but does not include:

- 9 a. the medical records of a patient whose health care in
10 a health care entity is being reviewed,
- 11 b. incident reports and other like documents regarding
12 health care services being reviewed, regardless of how
13 the reports or documents are titled or captioned,
- 14 c. the identity of any individuals who have personal
15 knowledge regarding the facts and circumstances
16 surrounding the patient's health care in the health
17 care entity,
- 18 d. factual statements regarding the patient's health care
19 in the health care entity from any individuals who
20 have personal knowledge regarding the facts and
21 circumstances surrounding the patient's health care,
22 which factual statements were generated outside the
23 peer review process,

1 e. the identity of all documents and raw data previously
2 created elsewhere and considered during the peer
3 review process, or

4 f. copies of all documents and raw data previously
5 created elsewhere and considered during the peer
6 review process, whether available elsewhere or not;
7 and

8 6. "Peer review process" means any process, program or
9 proceeding, including a credentialing or recredentialing process,
10 utilized by a health care entity or county medical society to
11 assess, review, study or evaluate the credentials, competence,
12 professional conduct or health care services of a health care
13 professional.

14 B. 1. Peer review information shall be private, confidential
15 and privileged except that a health care entity or county medical
16 society shall be permitted to provide relevant peer review
17 information to the state agency or board which licensed the health
18 care professional who provided the health care services being
19 reviewed in a peer review process or who is the subject of a
20 credentialing or recredentialing process, with notice to the health
21 care professional.

22 2. Nothing in this section shall be construed to abrogate,
23 alter or affect any provision in the Oklahoma Statutes which
24 provides that information regarding liability insurance of a health

1 care entity or health care professional is not discoverable or
2 admissible.

3 C. In any civil action in which a patient or patient's legal
4 representative has alleged that the patient has suffered injuries
5 resulting from negligence by a health care professional in providing
6 health care services to the patient in a health care entity, factual
7 statements, presented during a peer review process utilized by such
8 health care entity, regarding the patient's health care in the
9 health care entity from individuals who have personal knowledge of
10 the facts and circumstances surrounding the patient's health care
11 shall not be subject to discovery.

12 D. 1. In any civil action in which a patient or patient's
13 legal representative has alleged that the health care entity was
14 independently negligent as a result of permitting the health care
15 professional to provide health care services to the patient in the
16 health care entity, the credentialing and recredentialing data, and
17 the recommendations made and action taken as a result of any peer
18 review process utilized by such health care entity regarding the
19 health care professional prior to the date of the alleged negligence
20 shall be subject to discovery pursuant to the Oklahoma Discovery
21 Code.

22 2. Any information discovered pursuant to this subsection:

23 a. shall not be admissible as evidence until a judge or
24 jury has first found the health care professional to

have been negligent in providing health care services to the patient in such health care entity, and

b. shall not at any time include the identity or means by which to ascertain the identity of any other patient or health care professional.

E. No person involved in a peer review process may be permitted or required to testify regarding the peer review process in any civil proceeding or disclose by responses to written discovery requests any peer review information.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 6th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2024.

Presiding Officer of the Senate