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ENGROSSED HOUSE  
BILL NO. 3199

and

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

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

1. "Credentialing or recredentialing data" means:

- a. the application submitted by a health care professional requesting appointment or reappointment to the medical staff of a health care entity or requesting clinical privileges or other permission to provide health care services at a health care entity,
- b. any information submitted by the health care professional in support of such application,

- 1           c.    any information, unless otherwise privileged, obtained  
2                   by the health care entity during the credentialing or  
3                   recredentialing process regarding such application,  
4                   and  
5           d.    the decision made by the health care entity regarding  
6                   such application;

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

11          3.    "Health care entity" means:

- 12           a.    any hospital or related institution offering or  
13                   providing health care services under a license issued  
14                   pursuant to Section 1-706 of this title,  
15           b.    any ambulatory surgical center offering or providing  
16                   health care services under a license issued pursuant  
17                   to Section 2660 of this title,  
18           c.    the clinical practices of accredited allopathic and  
19                   osteopathic state medical schools, and  
20           d.    any other entity directly involved in the delivery of  
21                   health care services that engages in a credentialing  
22                   or peer review process;

23          4.    "Health care professional" means any person authorized to  
24 practice allopathic medicine and surgery, osteopathic medicine,

1 | podiatric medicine, optometry, chiropractic, psychology, dentistry,  
2 | or a dental specialty, a physician assistant, or an advanced  
3 | practice registered nurse under a license issued pursuant to Title  
4 | 59 of the Oklahoma Statutes;

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

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

1           which factual statements were generated outside the  
2           peer review process,

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

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

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

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

1        2. Nothing in this section shall be construed to abrogate,  
2 alter or affect any provision in the Oklahoma Statutes which  
3 provides that information regarding liability insurance of a health  
4 care entity or health care professional is not discoverable or  
5 admissible.

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

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

1        2. Any information discovered pursuant to this subsection:

2            a. shall not be admissible as evidence until a judge or  
3                jury has first found the health care professional to  
4                have been negligent in providing health care services  
5                to the patient in such health care entity, and

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

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

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

14       COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
15       March 28, 2024 - DO PASS  
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