

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 162

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO HOSPITAL LICENSES AND INSPECTIONS; AMENDING SECTION 39-1392c,
3 IDAHO CODE, TO REVISE CIVIL LIABILITY IMMUNITY PROVISIONS FOR HEALTH
4 CARE ORGANIZATIONS OR OTHER PERSONS, TO PROVIDE AN EXCEPTION AND TO RE-
5 VISE DISCLOSURE REQUIREMENTS; AND PROVIDING LEGISLATIVE INTENT.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 39-1392c, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 39-1392c. IMMUNITY FROM CIVIL LIABILITY. (1) The furnishing of in-
10 formation or provision of opinions to any health care organization or the
11 receiving and use of such information and opinions ~~or actions taken or peer~~
12 review decisions made based upon a peer review process shall not subject any
13 health care organization or other person to any liability or action for money
14 damages or other legal or equitable relief. However, this section shall
15 not limit the right of any person to challenge the issuance, restriction
16 or revocation of his or her own credentials or privileges by a health care
17 organization, or of any health care organization to defend itself against
18 such challenge, in a court of law. All information and opinions that are
19 privileged and confidential under section 39-1392b, Idaho Code, shall re-
20 main privileged and confidential and shall not be subject to discovery or
21 admissibility in any such case.

22 (2) Custodians of such records and persons becoming aware of such
23 records, data, ~~and~~ opinions, actions or decisions shall not disclose the
24 same except as authorized by rules adopted by the board of medicine or as
25 otherwise authorized by law. Any health care organization may receive such
26 disclosures, subject to an obligation to preserve the confidential priv-
27 ileged character thereof and subject further to the requirement that such
28 requests shall be made and such use shall be limited to aid the health care
29 organization in conducting peer review.

30 SECTION 2. LEGISLATIVE INTENT. The Legislature finds that it is impor-
31 tant to protect and encourage the free exchange of information and opinions
32 regarding peer review activities that include credentialing. The Legisla-
33 ture finds that the receiving and use of such information and opinions is
34 synonymous with peer review decisions ultimately made based upon such infor-
35 mation and opinions. Therefore, credentialing actions and other peer review
36 decisions should be afforded the same treatment and protections including
37 immunity for such actions and decisions.