

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 192

S. P. 75

In Senate, January 17, 1973

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Hospital Reports.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 16, § 358, additional. Title 16 of the Revised Statutes is amended by adding a new section 358 to read as follows:

§ 358. Incident reports at hospitals privileged

When, after the occurrence of an event or incident at a hospital licensed under the laws of this State, investigations are conducted by or on behalf of the hospital or its staff in order to ascertain the cause of such event or incident in order that remedial or precautionary measures may be taken in the future to prevent the recurrence of such event or incident, all reports relating to such event or incident and all reports concerning any investigations or recommendations shall be privileged, shall not be admissible in the courts of this State for any purpose and shall not be discoverable by means of discovery proceedings in any action brought in connection with the event or incident. All such reports and memoranda shall be inadmissible and not subject to discovery whether the hospital is named as a party or not.

STATEMENT OF FACT

The purpose of this Act is to provide that so-called "incident reports" utilized by hospital staffs to report unforeseen incidents or events shall be privileged and inadmissible in court proceedings. Hospitals, in order to provide the best health care possible to the citizens of Maine, should be

encouraged to conduct introspective and objective examinations of incidents leading to injury in order that remedial or precautionary measures can be taken in the future. Hospitals will be hesitant to make such "in house" memoranda unless a degree of protection against publication is granted to them.