

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 609

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H. P. 490

House of Representatives, February 11, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. McKernan of Bangor.

Cosponsors: Mrs. Snowe of Auburn and Mr. Carey of Waterville.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Place Certain Safeguards on the Proceedings of Medical  
Review Committees.

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

32 MRSA § 3296 is enacted to read:

§ 3296. Records of proceedings of hospital medical staff  
review committees confidential

All proceedings and records of proceedings concerning medical staff and hospital reviews conducted by committees of physicians and other health care personnel on behalf of hospitals located within the State of Maine are confidential and shall be exempt from discovery without a showing of extraordinary circumstances when such reviews are required by state or federal law or regulations or as a condition of accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association Committee on Hospital Accreditation.

STATEMENT OF FACT

Hospital medical staff review committee work is performed by committees of physicians acting pursuant to the requirements of federal and state laws, the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association Committee of Hospital Accreditation. Accreditations can be gained only by following accrediting agencies' recommendations, includ-

ing the use of committee review proceedings to improve hospital and medical standards, also required by government. This committee work is performed with the understanding that all communications originating therein are confidential. Confidentiality is essential to effective functioning of these staff meetings and these meetings are essential to the continued improvement in the care and treatment of patients. To deny confidentiality to these discussions and deliberations without a showing of exceptional necessity would result in terminating such deliberations. Constructive professional criticism cannot occur in an atmosphere of apprehension that one doctor's suggestion will be used as a denunciation of a colleague's conduct in a malpractice suit. There is an overwhelming public interest in having these staff meetings held on a confidential basis so that the flow of ideas and advice can continue unimpeded.