FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document NO. 294

H.P. 226 House of Representatives, February 6, 1987

Reference to the Committee on Business Legislation suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative KIMBALL of Buxton.

Cosponsored by Representatives HANLEY of Paris, THISTLE of Dover-Foxcroft and CLARK of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Broaden Peer Review Immunity.

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

32 MRSA §3296, as enacted by PL 1975, c. 137, §2, is amended to read:

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

All proceedings and records of proceedings concerning medical staff reviews ~~and~~, hospital reviews and other reviews of medical care conducted by committees of physicians and other health care personnel on behalf of hospitals located within the State, or on behalf of individual physicians, when ~~such~~ the reviews are required by state or federal law, rule 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 or are conducted under the auspices of the state or county professional society to which the physician belongs are confidential and shall be exempt from discovery ~~without a showing of good cause~~.

STATEMENT OF FACT

Effective peer review in the medicial profession requires absolute confidentiality. Physicians cannot be expected to participate if the threat of discovery and lawsuits exist. While the existing law provides confidentiality for some hospital reviews, the qualification for "good cause" leaves open the possibility of discovery. In at least one Maine case, a judge has allowed the results of peer review to be discovered by a plaintiff. The actions have a severe "chilling effect" on peer review. This bill will broaden application of the current immunity law to include reviews outside of a hospital setting and will eliminate the current exemption for good cause.

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