

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2067 Session of
1978

INTRODUCED BY DUFFY, GAMBLE, COWELL, RAVENSTAHL, MRKONIC,
GEISLER AND LOGUE, FEBRUARY 15, 1978

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 15, 1978

AN ACT

1 Amending the act of July 20, 1974 (P.L.564, No.193), entitled
2 "An act providing for the increased use of peer review groups
3 by giving protection to individuals and data who report to
4 any review group," extending the protection given by the act
5 to review committees of associations of health care facility
6 operators.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2 and 4, act of July 20, 1974 (P.L.564,
10 No.193), known as the "Peer Review Protection Act," are amended
11 to read:

12 Section 2. Definitions.--As used in this act:

13 ["Health care professionals" means individuals who are
14 licensed in the health care field to practice under the laws of
15 the Commonwealth.]

16 "Peer review" means the procedure for evaluation by [health
17 care professionals] professional health care providers of the
18 quality and efficiency of services ordered or performed by other
19 [health care professionals] professional health care providers,
20 including practice analysis, inpatient hospital and extended

care facility utilization review, medical audit, ambulatory care review, [and] claims review, and the compliance of a hospital, nursing home or convalescent home or other health care facility operated by a professional health care provider with the standards set by an association of health care providers and with applicable laws, rules and regulations.

"Professional health care provider" means individuals who are licensed, or organizations who are approved, to practice or operate in the health care field under the laws of the Commonwealth, including, but not limited to, the following individuals or organizations:

(1) A physician.

(2) A dentist.

(3) A podiatrist.

(4) A chiropractor.

(5) An optometrist.

(6) A psychologist.

(7) A pharmacist.

(8) A registered or practical nurse.

(9) A physical therapist.

(10) An administrator of a hospital, a nursing or convalescent home, or other health care facility.

(11) A corporation or other organization operating a hospital, a nursing or convalescent home or other health care facility.

"Professional society" includes medical, psychological, nursing, dental, optometric, pharmaceutical, chiropractic and podiatric organizations having as members at least a majority of the eligible licentiates in the area or health care facility or agency served by the particular society.

1 "Review organization" means any committee engaging in peer
2 review, including a hospital utilization review committee, a
3 hospital tissue committee, a health insurance review committee,
4 a hospital plan corporation review committee, a professional
5 health service plan review committee, a dental review committee,
6 a physicians' advisory committee, a nursing advisory committee,
7 any committee established pursuant to the medical assistance
8 program, and any committee established by one or more State or
9 local professional societies, to gather and review information
10 relating to the care and treatment of patients for the purposes
11 of (i) evaluating and improving the quality of health care
12 rendered; (ii) reducing morbidity or mortality; or (iii)
13 establishing and enforcing guidelines designed to keep within
14 reasonable bounds the cost of health care. It shall also mean
15 any hospital board or committee reviewing the professional
16 qualifications or activities of its medical staff or applicants
17 for admission thereto. It shall also mean a committee of an
18 association of professional health care providers reviewing the
19 operation of hospitals, nursing homes, convalescent homes or
20 other health care facilities.

21 Section 4. Confidentiality of Review Organization's
22 Records.--The proceedings and records of a review committee
23 shall be held in confidence and shall not be subject to
24 discovery or introduction into evidence in any civil action
25 against a [health care] professional health care provider
26 arising out of the matters which are the subject of evaluation
27 and review by such committee and no person who was in attendance
28 at a meeting of such committee shall be permitted or required to
29 testify in any such civil action as to any evidence or other
30 matters produced or presented during the proceedings of such

1 committee or as to any findings, recommendations, evaluations,
2 opinions or other actions of such committee or any members
3 thereof: Provided, however, That information, documents or
4 records otherwise available from original sources are not to be
5 construed as immune from discovery or used in any such civil
6 action merely because they were presented during proceedings of
7 such committee, nor should any person who testifies before such
8 committee or who is a member of such committee be prevented from
9 testifying as to matters within his knowledge, but the said
10 witness cannot be asked about his testimony before such a
11 committee or opinions formed by him as a result of said
12 committee hearings.

13 Section 2. This act shall take effect immediately.