

Chapter 579. AN ACT RELATIVE TO THE CONFIDENTIALITY OF INFORMATION GATHERED BY THE BOARD OF REGISTRATION IN MEDICINE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Medical peer review committee" and inserting in place thereof the following definition:-

"Medical peer review committee" or "committee", a committee of a state or local professional society of health care providers or of a medical staff of a licensed hospital or nursing home or health maintenance organization organized under chapter one hundred and seventy-six G, provided the medical staff operates pursuant to written by-laws that have been approved by the governing board of the hospital or nursing home or health maintenance organization, which committee has as its function the evaluation or improvement of the quality of health care rendered by providers of health care services, the determination whether health care services were performed in compliance with the applicable standards of care, the determination whether the cost of health care services were performed in compliance with the applicable standards of care, determination whether the cost of the health care services rendered was considered reasonable by the providers of health services in the area, the determination of whether a health care provider's actions call into question such health care provider's fitness to provide health care services, or the evaluation and assistance of health care providers impaired or allegedly impaired by reason of alcohol, drugs, physical disability, mental instability or otherwise.

SECTION 2. Section 204 of said chapter 111, as so appearing, is hereby amended by adding the following subsection:-

(e) No proceeding, report or record of a medical peer review committee obtained hereunder and disclosed in an action pursuant to section eighty-five N of chapter two hundred and thirty-one or a proceeding before an administrative body, shall be subject to subpoena or discovery, or introduced into evidence in judicial or administrative proceedings other than those proceedings or investigations specified in subsections (a) and (b).

SECTION 3. Said chapter 111 is hereby further amended by adding the following section:-

Section 205. (a) As used in this section the following terms shall have the following meanings:

"Health care facility", any entity required to participate in risk management and quality assurance programs established by the board of registration in medicine.

"Patient care assessment coordinator", a person or committee

ACTS, 1987. - Chap. 579.

designated by a health care facility to implement and coordinate the facility's compliance with risk management and quality assurance programs established by the board of registration in medicine.

"Risk management and quality assurance programs established by the board of registration in medicine", programs and activities undertaken pursuant to regulations promulgated by the board of registration in medicine under section two hundred and three of this chapter and sections five and five I of chapter one hundred and twelve.

(b) Information and records which are necessary to comply with risk management and quality assurance programs established by the board of registration in medicine and which are necessary to the work product of medical peer review committees, including incident reports required to be furnished to the board of registration in medicine, shall be deemed to be proceedings, reports or records of a medical peer review committee for purposes of section two hundred and four of this chapter and may be so designated by the patient care assessment coordinator; provided, however, that such information and records so designated by the patient care assessment coordinator may be inspected, maintained and utilized by the board of registration in medicine, including but not limited to its data repository and disciplinary unit. Such information and records inspected, maintained or utilized by the board of registration in medicine shall remain confidential, and not subject to subpoena, discovery or introduction into evidence, consistent with section two hundred and four; however, such records may not remain confidential if disclosed in an adjudicatory proceeding of the board of registration in medicine, but the information and records shall be otherwise subject to the protections afforded by section two hundred and four. In no event, however, shall records of treatment maintained pursuant to section seventy of this chapter, or incident reports or records or information which are not necessary to comply with risk management and quality assurance programs established by the board of registration in medicine be deemed to be proceedings, reports or records of a medical peer review committee under this section; nor shall any person be prevented by the provisions of this section from testifying as to matters known by such person independent of risk management and quality assurance programs established by the board of registration in medicine.

SECTION 4. Section 5 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "section", in line 71, the following words:- , or otherwise obtained by or retained in the data repository.

Approved December 16, 1987.

EMERGENCY LETTER: February 12, 1988 @ 4:17 P.M.