

HOUSE BILL No. 5480

February 4, 1992, Introduced by Reps. Gubow and Bandstra and referred to the Committee on Public Health.

A bill to amend sections 1, 2, and 3 of Act No. 270 of the Public Acts of 1967, entitled as amended

"An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,"

sections 1 and 2 as amended by Act No. 3 of the Public Acts of 1980, being sections 331.531, 331.532, and 331.533 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, and 3 of Act No. 270 of the
2 Public Acts of 1967, sections 1 and 2 as amended by Act No. 3 of
3 the Public Acts of 1980, being sections 331.531, 331.532, and
4 331.533 of the Michigan Compiled Laws, are amended to read as
5 follows:

1 Sec. 1. (1) A person, organization, or entity may provide
 2 TO A REVIEW ENTITY information or data relating to the physical
 3 or psychological condition of ~~any~~ A person, ~~or~~ the necessity,
 4 appropriateness, or ~~the~~ quality of health care rendered to
 5 ~~any~~ A person, ~~to any review entity. Review entity means a~~ OR
 6 THE QUALIFICATIONS, COMPETENCE, OR PERFORMANCE OF A HEALTH CARE
 7 PROVIDER.

8 (2) AS USED IN THIS SECTION, "REVIEW ENTITY" MEANS 1 OF THE
 9 FOLLOWING:

10 (A) A duly appointed peer review committee of the state, of
 11 a state or county association of health care professionals, of an
 12 officially constituted health care facility, or of a health care
 13 association. ~~, a~~

14 (B) A professional standards review organization qualified
 15 under federal or state law. ~~, a~~

16 (C) A foundation or organization acting pursuant to the
 17 approval of a state or county association of health care
 18 professionals. ~~, or a~~

19 (D) A state department or agency whose jurisdiction encom-
 20 passes ~~such~~ THE information DESCRIBED IN SUBSECTION (1).

21 ~~Liability of any kind shall not arise or be enforced against~~
 22 ~~any~~

23 (E) AN ORGANIZATION ESTABLISHED BY A STATE ASSOCIATION OF
 24 HOSPITALS OR PHYSICIANS, OR BOTH, THAT COLLECTS AND VERIFIES THE
 25 AUTHENTICITY OF DOCUMENTS AND OTHER DATA CONCERNING THE QUALIFI-
 26 CATIONS, COMPETENCE, OR PERFORMANCE OF LICENSED HEALTH CARE
 27 PROFESSIONALS AND THAT ACTS AS A HEALTH FACILITY'S AGENT PURSUANT

1 TO THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986, TITLE IV OF
2 PUBLIC LAW 99-660, 100 STAT. 3784.

3 (3) A person, organization, or entity ~~by reason of having~~
4 ~~provided such~~ IS NOT CIVILLY OR CRIMINALLY LIABLE:

5 (A) FOR PROVIDING information or data ~~by reason of any~~
6 PURSUANT TO SUBSECTION (1).

7 (B) FOR AN act or communication within its scope as a review
8 entity. ~~by reason of having released or published~~

9 (C) FOR RELEASING OR PUBLISHING A RECORD OF the proceedings,
10 OR THE reports, findings, or conclusions of ~~the~~ A review
11 entity, subject to ~~the limitations of~~ sections 2 and 3.

12 (4) The immunity ~~in this section shall~~ FROM LIABILITY PRO-
13 VIDED UNDER SUBSECTION (3) DOES not apply to a person, organi-
14 zation, or entity that acts with malice.

15 Sec. 2. The release or publication of A RECORD OF the pro-
16 ceedings ~~OR~~ OR OF THE reports, findings, and conclusions of a
17 review entity shall be for 1 or more of the following purposes:
18 ~~—~~

19 (a) To advance health care research or health care
20 education.

21 (b) To maintain the standards of the health care
22 professions.

23 (c) To protect the financial integrity of any governmentally
24 funded program.

25 (d) To provide evidence relating to the ethics or discipline
26 of a health care provider, entity, or practitioner.

1 (E) TO REVIEW THE QUALIFICATIONS, COMPETENCE, AND
2 PERFORMANCE OF A HEALTH CARE PROFESSIONAL WITH RESPECT TO THE
3 SELECTION AND APPOINTMENT OF THE HEALTH CARE PROFESSIONAL TO THE
4 MEDICAL STAFF OF A HEALTH FACILITY.

5 Sec. 3. The identity of ~~any~~ A person whose condition or
6 treatment has been studied ~~shall be~~ UNDER THIS ACT IS confiden-
7 tial and ~~such~~ A REVIEW ENTITY SHALL REMOVE THE person's name
8 and address ~~shall be removed~~ from the record before the review
9 entity releases or publishes ~~it~~ A RECORD OF ITS proceedings, OR
10 ITS reports, findings, and conclusions. ~~, and, except for the~~
11 ~~purposes set forth~~ EXCEPT AS OTHERWISE PROVIDED in section 2,
12 ~~all proceedings,~~ THE RECORD OF A PROCEEDING AND THE reports,
13 findings, and conclusions of ~~review entities~~ A REVIEW ENTITY
14 AND DATA COLLECTED BY OR FOR A REVIEW ENTITY under this act are
15 confidential, ARE NOT PUBLIC RECORDS, and ~~shall~~ ARE not ~~be~~
16 discoverable ~~or~~ AND SHALL NOT BE used as evidence in ~~an action~~
17 ~~for personal injuries based upon malpractice, lack of informed~~
18 ~~consent or negligence~~ A CIVIL ACTION OR ADMINISTRATIVE
19 PROCEEDING.