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# HOUSE BILL No. 1249

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-30-15.

**Synopsis:** Health care provider peer review committees. Removes provisions of the health care provider peer review statute that prohibit disclosure of the records of a peer review committee. Requires the governing board of certain health care providers to disclose the records and the final action of a peer review committee upon the request of a patient.

**Effective:** July 1, 2000.

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### Steele

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January 10, 2000, read first time and referred to Committee on Public Health.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## HOUSE BILL No. 1249

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-30-15-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) All proceedings  
3 of a peer review committee are confidential.  
4 (b) All communications to a peer review committee shall be  
5 privileged communications.  
6 (c) Neither the personnel of a peer review committee nor any  
7 participant in a committee proceeding shall reveal any content of:  
8 (1) communications to; **or**  
9 (2) ~~the records of; or~~  
10 (3) ~~the determination of;~~  
11 a peer review committee outside of the peer review committee.  
12 (d) However, the governing board of:  
13 (1) a hospital;  
14 (2) a professional health care organization;  
15 (3) a preferred provider organization (including a preferred  
16 provider arrangement or reimbursement agreement under  
17 IC 27-8-11); or



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1 (4) a health maintenance organization (as defined in  
 2 IC 27-13-1-19) or a limited service health maintenance  
 3 organization(as defined in IC 27-13-34-4);  
 4 **may shall, upon the request of a patient, disclose the records of a**  
 5 **peer review committee and** the final action taken with regard to a  
 6 professional health care provider without violating the provisions of  
 7 this section.

8 SECTION 2. IC 34-30-15-8 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) Communications  
 10 to ~~the records of~~, and determinations of a peer review committee may  
 11 only be disclosed to:

12 (1) the peer review committee of:

13 (A) a hospital;

14 (B) a nonprofit health care organization (described in  
 15 IC 34-6-2-117(23));

16 (C) a preferred provider organization (including a preferred  
 17 provider arrangement or reimbursement agreement under  
 18 IC 27-8-11);

19 (D) a health maintenance organization (as defined in  
 20 IC 27-13-1-19) or a limited service health maintenance  
 21 organization (as defined in IC 27-13-34-4); or

22 (E) another health facility;

23 (2) the disciplinary authority of the professional organization of  
 24 which the professional health care provider under question is a  
 25 member; or

26 (3) the appropriate state board of registration and licensure that  
 27 the committee considers necessary for recommended disciplinary  
 28 action;

29 and shall otherwise be kept confidential for use only within the scope  
 30 of the committee's work, unless the professional health care provider  
 31 has filed a prior written waiver of confidentiality with the peer review  
 32 committee.

33 (b) However, if a conflict exists between this section and  
 34 IC 27-13-31, the provisions of IC 27-13-31 control.

35 SECTION 3. IC 34-30-15-9 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. Except in cases of  
 37 required disclosure to the professional health care provider under  
 38 investigation, no ~~records or~~ determinations of or communications to a  
 39 peer review committee shall be:

40 (1) subject to subpoena or discovery; or

41 (2) admissible in evidence;

42 in any judicial or administrative proceeding, including a proceeding

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1 under IC 34-18-11 (or IC 27-12-11 before its repeal), without a prior  
2 waiver executed by the committee.

3 SECTION 4. IC 34-30-15-11 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. If a waiver of the  
5 privilege is executed on behalf of the peer review committee in favor  
6 of the attorney general for the purpose of conducting an investigation  
7 under IC 25-1-7, the ~~records of~~, determinations of, or communications  
8 to a peer review committee are confidential and privileged under this  
9 section, except for the attorney general's use in an investigation to  
10 identify information otherwise discoverable or admissible from original  
11 sources under section 3 of this chapter.

12 SECTION 5. IC 34-30-15-12 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. This chapter does  
14 not prevent the attorney general from obtaining by subpoena as part of  
15 an investigation under IC 25-1-7 for a violation under IC 25-1-9:

16 (1) the application for privileges or employment completed by the  
17 professional staff member under investigation regardless of  
18 whether the member is the subject of peer review committee  
19 proceedings;

20 (2) ~~except for~~ reports prepared as part of a peer review  
21 investigation **and** incident reports prepared contemporaneously  
22 to document the circumstances of an accident or unusual  
23 occurrence involving a professional staff member regardless of  
24 whether the member is the subject of peer review committee  
25 proceedings; or

26 (3) information otherwise discoverable from original sources, that  
27 is not the communications to, ~~records of~~, or determinations of a  
28 peer review committee;

29 from a professional health care provider.

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