

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB431

Hearing Date: Friday February 04, 2011
Committee On: Health and Human Services
Introducer: Hadley
One Liner: Adopt the Health Care Quality Improvement Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Gloor, Cook, Bloomfield, Campbell, Krist
Nay:		
Absent:		
Present Not Voting:	2	Senators Howard, Wallman

Proponents:
Senator Galen Hadley
Dr. Leslie Spry
Denise Destache
Jan Bahm

Representing:
District #37
Nebraska Medical Association
Nebraska Medical Association
Nebraska Nurses Association

Opponents:
Mandy Strigenz

Representing:
Nebraska Association of Trial Attorneys

Neutral:

Representing:

Summary of purpose and/or changes:

The purpose of the Health Care Quality Improvement Act is to provide protection for individuals going through a peer review process and protect the confidentiality of the peer review records.

The bill defines terms in the Act including health care provider, incident report or risk management report, peer review, and peer review committee.

LB 431 provides that no health care provider, individual, or employee who serves a peer review committee shall be held liable for activities within the scope of the peer review committee. Additionally, no individual who supplies information to a peer review committee shall be subject to suit as a result of the information.

The bill states peer review committee processes are confidential and not subject to discovery or evidence in a civil action; nor are individuals working in and with a peer review committee allowed or compelled to testify in any civil action.

Nothing in the bill limits discovery of any otherwise available sources and original documents.

Finally, an incident report or risk management report are not subject to discovery or admissible in evidence in a civil action for damages for injury, death or loss to a patient. A person who prepares or has knowledge of the contents of an incident report or risk management report shall not testify, nor be required to testify, in any civil action as to the content of the report.

Explanation of amendments:

The Committee Amendment changes the bill to provide immunity to only individuals who act without malice. The Amendment clarifies that peer review committees must be created by the governing board of the health care facility. Finally, the Amendment adds officers, directors, employees and members of governing boards to persons who are protected if they participate in peer review activities.

Kathy Campbell, Chairperson