

LEGISLATIVE BILL 267

Approved by the Governor March 19, 1982

Introduced by R. Peterson, 21

AN ACT relating to evidence; to prohibit the introduction of certain proceedings and records by peer review committees; and to provide an exception.

Be it enacted by the people of the State of Nebraska,

Section 1. The proceedings and records of a peer review committee of a state or local association or society composed of health practitioners licensed pursuant to the provisions of Chapter 71, article 1, shall be held in confidence and shall not be subject to discovery or introduction into evidence in any civil action against a person licensed pursuant to section 71-102 arising out of the matters which are the subject of evaluation and review by such committee. No person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof, except that information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such committee. Any documents or records which have been presented to the review committee by any witness shall be returned to the witness, if requested by him or her or if ordered to be produced by a court in any action, with copies thereof to be retained by the committee at its discretion. Any person who testifies before such committee or who is a member of such committee shall not be prevented from testifying as to matters within his or her knowledge, but such witness cannot be asked about his or her testimony before such a committee or opinions formed as a result of such committee hearings. Nothing in this section shall prohibit a court of record, after a hearing and for good cause arising from extraordinary circumstances being shown, from ordering the disclosure of such proceedings, minutes, records, reports, or communications.