

ASSEMBLY BILL

No. 655

Introduced by Assembly Member Hayashi

February 16, 2011

An act to add Section 809.08 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 655, as introduced, Hayashi. Healing arts: peer review.

Existing law provides for the professional review of specified healing arts licentiates through a peer review process conducted by peer review bodies, as defined.

This bill would require a peer review body to respond to the request of another peer review body and produce a summary of specified information concerning a licentiate under review, as specified. The bill would provide that the information produced pursuant to this provision is not subject to discovery, as specified, and may be used only for peer review purposes. The bill would require the requesting peer review body, upon request, to sign a specified sharing agreement with the responding peer review body, and to indemnify the responding peer review body for certain claims relating to the improper release or disclosure of information.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 809.08 is added to the Business and
- 2 Professions Code, to read:

1 809.08. (a) The Legislature hereby finds and declares that the
2 sharing of information between peer review bodies is essential to
3 protect the public health.

4 (b) Upon receipt of reasonable processing costs, a peer review
5 body shall respond to the request of another peer review body and
6 produce a summary of information that includes the allegations
7 and findings, and any conclusions made, any actions taken, and
8 the reasons for those actions, reasonably requested concerning a
9 licentiate under review to the extent not otherwise prohibited by
10 state or federal law. The summary shall not identify any person
11 except the licentiate under review. The information produced by
12 a peer review body pursuant to this section shall be used solely
13 for peer review purposes and shall not be subject to discovery to
14 the extent provided in Sections 1156.1 and 1157 of the Evidence
15 Code and any other applicable provisions of law.

16 (c) The responding peer review body acting in good faith is not
17 subject to civil or criminal liability for providing information to
18 the requesting peer review body pursuant to this section. The peer
19 review body responding to the request shall be entitled to all
20 confidentiality protections and privileges provided by law as to
21 the information disclosed pursuant to this section. The requesting
22 peer review body shall, upon request, sign a reasonable peer review
23 sharing agreement with the responding peer review body, and shall
24 also indemnify the responding peer review body for any and all
25 claims, demands, liabilities, losses, damages, costs and expenses,
26 including reasonable attorney's fees, resulting in any manner,
27 directly or indirectly, from the receiving peer review body's
28 improper release or disclosure of information shared pursuant to
29 this section.

30 (d) The licentiate under review by the peer review body
31 requesting information pursuant to this section shall, upon request,
32 release the responding peer review body, its members, and the
33 health care entity for which the responding peer review body
34 conducts peer reviews, from liability for the disclosure of
35 information in compliance with this section. If the licentiate does
36 not provide a reasonable release that is acceptable to the responding
37 peer review body, the responding peer review body shall not be
38 obligated to produce any information pursuant to this section.

O