

AMENDED IN SENATE MAY 13, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 672

Introduced by Senator Hernandez

February 27, 2015

An act to amend Section 1157 of the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 672, as amended, Hernandez. Discovery: ~~pharmacy~~ *pharmacist* review committees.

Existing law exempts from discovery as evidence the proceedings and records of specified organized committees of health care professionals and review committees having the responsibility of evaluation and improvement of the quality of care.

This bill would extend this exemption, for purposes of civil proceedings only, to the proceedings and records of ~~pharmacy~~ *pharmacist* organized committees and review committees, as described above.

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 1157 of the Evidence Code is amended
- 2 to read:
- 3 1157. (a) Neither the proceedings nor the records of organized
- 4 committees of medical, medical-dental, podiatric, registered
- 5 dietitian, psychological, marriage and family therapist, licensed

1 clinical social worker, professional clinical counselor, ~~pharmacy,~~
2 *pharmacist*, or veterinary staffs in hospitals, or of a peer review
3 body, as defined in Section 805 of the Business and Professions
4 Code, having the responsibility of evaluation and improvement of
5 the quality of care rendered in the hospital, or for that peer review
6 body, or medical or dental review or dental hygienist review or
7 chiropractic review or podiatric review or registered dietitian
8 review or pharmacist review or veterinary review or acupuncturist
9 review committees of local medical, dental, dental hygienist,
10 podiatric, dietetic, pharmacy, veterinary, acupuncture, or
11 chiropractic societies, marriage and family therapist, licensed
12 clinical social worker, professional clinical counselor, or
13 psychological review committees of state or local marriage and
14 family therapist, state or local licensed clinical social worker, state
15 or local licensed professional clinical counselor, or state or local
16 psychological associations or societies having the responsibility
17 of evaluation and improvement of the quality of care, shall be
18 subject to discovery.

19 (b) Except as hereinafter provided, a person in attendance at a
20 meeting of any of the committees described in subdivision (a) shall
21 not be required to testify as to what transpired at that meeting.

22 (c) The prohibition relating to discovery or testimony does not
23 apply to the statements made by a person in attendance at a meeting
24 of any of the committees described in subdivision (a) if that person
25 is a party to an action or proceeding the subject matter of which
26 was reviewed at that meeting, or to a person requesting hospital
27 staff privileges, or in an action against an insurance carrier alleging
28 bad faith by the carrier in refusing to accept a settlement offer
29 within the policy limits.

30 (d) The prohibitions in this section do not apply to medical,
31 dental, dental hygienist, podiatric, dietetic, psychological, marriage
32 and family therapist, licensed clinical social worker, professional
33 clinical counselor, ~~pharmacy,~~ *pharmacist*, veterinary, acupuncture,
34 or chiropractic society committees that exceed 10 percent of the
35 membership of the society, nor to any of those committees if any
36 person serves upon the committee when his or her own conduct
37 or practice is being reviewed.

38 (e) The amendments made to this section by Chapter 1081 of
39 the Statutes of 1983, or at the 1985 portion of the 1985–86 Regular
40 Session of the Legislature, at the 1990 portion of the 1989–90

1 Regular Session of the Legislature, at the 2000 portion of the
2 1999–2000 Regular Session of the Legislature, or at the 2011
3 portion of the 2011–12 Regular Session of the Legislature, or at
4 the 2015 portion of the 2015–16 Regular Session of the Legislature,
5 do not exclude the discovery or use of relevant evidence in a
6 criminal action.

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