

HOUSE BILL NO. 468

INTRODUCED BY MCGILLVRAY, LIND, WANZENRIED, ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PROCEEDINGS AND RECORDS OF THE MONTANA STATE BOARD OF MEDICAL EXAMINERS' PROGRAM TO ASSIST PHYSICIANS ARE CONFIDENTIAL."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Confidentiality of information -- physician assistance program. (1) The proceedings and records of the program created by the board pursuant to 37-3-203(4) relating to a physician who has received assistance from the program are considered to be proceedings and records of a professional standards review committee under 37-2-201 and are not subject to discovery or introduction into evidence in any administrative or judicial proceeding, EXCEPT THAT THE PROCEEDINGS AND RECORDS OF THE PROGRAM, AS THEY PERTAIN TO A PHYSICIAN, ARE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A DISCIPLINARY PROCEEDING BEFORE THE BOARD AGAINST THE PHYSICIAN.

(2) PROCEEDINGS AND RECORDS OF THE PROGRAM CREATED BY THE BOARD PURSUANT TO 37-3-203(4) DO NOT INCLUDE HEALTH CARE INFORMATION, AS DEFINED IN 50-16-803, MAINTAINED BY A HEALTH CARE PROVIDER IN THE PROVISION OF HEALTH CARE SERVICES TO A PHYSICIAN WHO IS RECEIVING OR HAS RECEIVED ASSISTANCE FROM THE PROGRAM. THE HEALTH CARE INFORMATION IS SUBJECT TO DISCOVERY FROM THE PHYSICIAN OR HEALTH CARE PROVIDER AND TO INTRODUCTION INTO EVIDENCE IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING AS MAY OTHERWISE BE ALLOWED BY LAW.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 3, part 2, and the provisions of Title 37, chapter 3, part 2, apply to [section 1].

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