

SENATE BILL NO. 368
INTRODUCED BY G. LIND

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CONFIDENTIALITY TO MEDICAL PRACTICE GROUP QUALITY ASSURANCE INFORMATION; DEFINING A MEDICAL PRACTICE GROUP; AND AMENDING SECTIONS 50-16-201, 50-16-202, 50-16-203, AND 50-16-204, MCA."

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

Section 1. Section 50-16-201, MCA, is amended to read:

"50-16-201. Definitions. As used in this part, the following definitions apply:

(1) (a) "Data" means written reports, notes, or records or oral reports or proceedings created by or at the request of a utilization review, peer review, medical ethics review, quality assurance, or quality improvement committee of a health care facility or medical practice group that are used exclusively in connection with quality assessment or improvement activities, including the professional training, supervision, or discipline of a medical practitioner by a health care facility or medical practice group.

(b) The term does not include:

(i) incident reports or occurrence reports; or
(ii) health care information that is used in whole or in part to make decisions about an individual who is the subject of the health care information.

(2) "Health care facility" has the meaning provided in 50-5-101.

(3) (a) "Incident reports" or "occurrence reports" means a written business record of a health care facility or medical practice group, created in response to an untoward event, such as a patient injury, adverse outcome, or interventional error, for the purpose of ensuring a prompt evaluation of the event.

(b) The terms do not include any subsequent evaluation of the event in response to an incident report or occurrence report by a utilization review, peer review, medical ethics review, quality assurance, or quality improvement committee.

(4) "Medical practice group" means a group of two or more medical practitioners practicing medicine together in a professional corporation, professional limited liability company, or partnership.

~~(4)~~(5) "Medical practitioner" means an individual licensed by the state of Montana to engage in the practice of medicine, osteopathy, podiatry, optometry, or a nursing specialty described in 37-8-202 or licensed

as a physician assistant pursuant to 37-20-203."

Section 2. Section 50-16-202, MCA, is amended to read:

"50-16-202. Committees to have access to information. It is in the interest of public health and patient medical care that health care facility and medical practice group committees have access to the records and other health care information relating to the condition and treatment of patients in the health care facility or of the medical practice group to study and evaluate for the purpose of evaluating matters relating to the care and treatment of patients for research purposes and for the purpose of reducing morbidity or mortality and obtaining statistics and information relating to the prevention and treatment of diseases, illnesses, and injuries. To carry out these purposes, any health care facility or medical practice group and its agents and employees may provide medical records or other health care information relating to the condition and treatment of any patient in the health care facility or of the medical practice group to any utilization review, peer review, medical ethics review, quality assurance, or quality improvement committee of the health care facility or medical practice group."

Section 3. Section 50-16-203, MCA, is amended to read:

"50-16-203. Committee health care information and proceedings confidential and privileged. All records and health care information referred to in 50-16-202 are confidential and privileged to the committee and the members of the committee as though the health care facility patients or medical practice group patients were the patients of the members of the committee. All proceedings, records, and reports of committees are confidential and privileged."

Section 4. Section 50-16-204, MCA, is amended to read:

"50-16-204. Restrictions on use or publication of information. A utilization review, peer review, medical ethics review, quality assurance, or quality improvement committee of a health care facility or medical practice group may use or publish health care information only for the purpose of evaluating matters of medical care, therapy, and treatment for research and statistical purposes. ~~Neither a~~ A committee ~~nor~~ or the members, agents, or employees of a committee ~~shall~~ may not disclose the name or identity of any patient whose records have been studied in any report or publication of findings and conclusions of a committee; ~~but a~~ A committee and its members, agents, or employees shall protect the identity of any patient whose condition or treatment has been studied and may not disclose or reveal the name of any health care facility patient or medical practice group patient."

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