

2001 SESSION

INTRODUCED

017009912

HOUSE BILL NO. 2500

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 8.01-581.17 of the Code of Virginia, relating to medical malpractice review panels; privileged communications.

Patron—Robinson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.17 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-581.17. Privileged communications of certain committees and entities.

The proceedings, minutes, records, and reports of any (i) medical staff committee, utilization review committee, or other committee as specified in § 8.01-581.16 and (ii) nonprofit entity that provides a centralized credentialing service, together with all communications, both oral and written, originating in or provided to such committees or entities, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and for good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications. Nothing in this section shall be construed as providing any privilege to hospital medical records kept with respect to any patient in the ordinary course of business of operating a hospital nor to any facts or information contained in such records nor shall this section preclude or affect discovery of or production of evidence relating to hospitalization or treatment of any patient in the ordinary course of hospitalization of such patient. *Notwithstanding the other provisions of this section, any person who is the subject of the proceedings, minutes, records or reports shall receive a copy of any such document concerning that individual. Any documents that were not provided to the individual shall not be used as a basis for any decision under this chapter.*

For purposes of this section "centralized credentialing service" means (i) gathering information relating to applications for professional staff privileges at any public or licensed private hospital or for participation as a provider in any health maintenance organization, preferred provider organization or any similar organization and (ii) providing such information to those hospitals and organizations that utilize the service. Additionally, for the purposes of this section, accreditation and peer review records of the American College of Radiology and the Medical Society of Virginia are considered privileged communications.

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