14101786D

# SENATE BILL NO. 253

Offered January 8, 2014

Prefiled January 3, 2014

*A BILL to amend and reenact § 8.01-581.16 of the Code of Virginia, relating to civil immunity for members of or consultants to certain boards or committees.*

Patron—McDougle

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-581.16 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.**

Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity, which functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities, (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary or optometric necessity for such services, (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services, (iv) the adequacy or quality of professional services, (v) the competency and qualifications for professional staff privileges, (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities or (vii) patient safety, including entering into contracts with patient safety organizations~~;~~, provided that such committee, board, group, commission or other entity has been established pursuant to federal or state law or regulation, ~~or pursuant to Joint Commission on Accreditation of Healthcare Organizations requirements,~~ *the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause (iii) (f) of subsection B of § 8.01-581.17,* or established and duly constituted by one or more public or licensed private hospitals, *health systems,* community services boards, or behavioral health authorities, or with a governmental agency and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.