

994655655

SENATE BILL NO. 944

Senate Amendments in [] — February 1, 1999

A BILL to amend and reenact § 54.1-2400.2 of the Code of Virginia, relating to confidentiality of information.

Patron—Edwards

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2400.2 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2400.2. Confidentiality of information obtained during an investigation or disciplinary proceeding.

A. Any reports, information or records received and maintained by any health regulatory board in connection with possible disciplinary proceedings, including any material received or developed by a board during an investigation or proceeding, shall be strictly confidential. A board may only disclose such confidential information:

1. In a disciplinary proceeding before a board or in any subsequent trial or appeal of an action or order;

2. To regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession [~~; or within the Department of Health Professions, including the Health Practitioners Intervention Program and to the Health Practitioners' Intervention Program within the Department of Health Professions~~] ;

3. To hospital committees concerned with granting, limiting or denying hospital privileges if a final determination regarding a violation has been made;

4. Pursuant to an order of a court of competent jurisdiction; or

5. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any person is first deleted. Such release shall be made pursuant to a written agreement to ensure compliance with this section.

B. In no event shall confidential information received, maintained or developed by any board, or disclosed by the board to others, pursuant to this section, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. This section shall not, however, be construed to inhibit an investigation or prosecution under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

ENGROSSED

SB944E