WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED
SENATE BILL NO. 510

(By Mr. Darby)

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PASSED March 8, 1975

In Effect ninety days from Passage
ENROLLED

Senate Bill No. 510
(By Mr. Darby)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-c, relating to health care peer review organizations; defining terms; and providing immunity from civil liability, with certain exceptions, to persons who provide information to, or who are members or employees of, such organizations.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-c, to read as follows:

ARTICLE 3C. HEALTH CARE PEER REVIEW ORGANIZATION PROTECTION.

§30-3C-1. Definitions.

1. As used in this article:

2. “Health care professionals” means individuals who are licensed to practice in any health care field under the laws of this state.

3. “Peer review” means the procedure for evaluation by health care professionals of the quality and efficiency of services ordered or performed by other health care professionals, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review, and claims review.

4. “Professional society” includes medical, psychological, nursing, dental, optometric, pharmaceutical, chiropractic
and podiatric organizations having as members at least a majority of the eligible licentiates in the area or health care facility or agency served by the particular organization.

"Review organization" means any committee or organization engaging in peer review, including a hospital utilization review committee, a hospital tissue committee, a medical audit committee, a health insurance review committee, a hospital plan corporation review committee, a professional health service plan review committee or organization, a dental review committee, a physicians' advisory committee, a podiatry advisory committee, a nursing advisory committee, any committee or organization established pursuant to a medical assistance program, and any committee established by one or more state or local professional societies or institutes, to gather and review information relating to the care and treatment of patients for the purposes of (i) evaluating and improving the quality of health care rendered; (ii) reducing morbidity or mortality; or (iii) establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care. It shall also mean any hospital board committee, or organization reviewing the professional qualifications or activities of its medical staff or applicants for admission thereto, and any professional standards review organizations established or required under state or federal statutes or regulations.

§30-3C-2. Immunity from liability.

(a) Notwithstanding any other provision of law, no person providing information to any review organization shall be held, by reason of having provided such information, to be civilly liable under any law, unless:

(1) Such information is unrelated to the performance of the duties and functions of such review organization, or (2) such information is false and the person providing such information knew, or had reason to believe, that such information was false.

(b) No member or employee of any review organization who furnishes professional counsel or services to such organization shall be held by reason of the per-
formance by him of any duty, function or activity authorized or required of review organizations to be civilly liable, if he has exercised due care in such performance. The foregoing provisions of this subsection shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Lawrence C. Chizak Jr.
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

J.D. Bello Jr.
Clerk of the Senate

C.L. Blankenship
Clerk of the House of Delegates

President of the Senate

Lewis F. K. Meade
Speaker House of Delegates

The within approved this the 25th day of March, 1975.

Anita S. Barry
Governor
PRESENTED TO THE GOVERNOR

Date 3/20/15

Time 4:30 P.M.