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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



ENROLLED

SENATE BILL NO. 510

(By Mr. Darby.....)



PASSED March 8,..... 1975

In Effect ninety days from..... Passage



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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
3 licensed to practice in any health care field under the laws
4 of this state.

5 "Peer review" means the procedure for evaluation by
6 health care professionals of the quality and efficiency of
7 services ordered or performed by other health care pro-
8 fessionals, including practice analysis, inpatient hospital
9 and extended care facility utilization review, medical
10 audit, ambulatory care review, and claims review.

11 "Professional society" includes medical, psychological,
12 nursing, dental, optometric, pharmaceutical, chiropractic

13 and podiatric organizations having as members at least a
14 majority of the eligible licentiates in the area or health
15 care facility or agency served by the particular organiza-
16 tion.

17 "Review organization" means any committee or organ-
18 ization engaging in peer review, including a hospital
19 utilization review committee, a hospital tissue committee,
20 a medical audit committee, a health insurance review
21 committee, a hospital plan corporation review committee,
22 a professional health service plan review committee or
23 organization, a dental review committee, a physicians'
24 advisory committee, a podiatry advisory committee, a
25 nursing advisory committee, any committee or organiza-
26 tion established pursuant to a medical assistance pro-
27 gram, and any committee established by one or more
28 state or local professional societies or institutes, to gather
29 and review information relating to the care and treatment
30 of patients for the purposes of (i) evaluating and im-
31 proving the quality of health care rendered; (ii) reducing
32 morbidity or mortality; or (iii) establishing and enforcing
33 guidelines designed to keep within reasonable bounds the
34 cost of health care. It shall also mean any hospital board
35 committee, or organization reviewing the professional
36 qualifications or activities of its medical staff or appli-
37 cants for admission thereto, and any professional stand-
38 ards review organizations established or required under
39 state or federal statutes or regulations.

§30-3C-2. Immunity from liability.

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

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

10 (b) No member or employee of any review organiza-
11 tion who furnishes professional counsel or services to
12 such organization shall be held by reason of the per-

13 formance by him of any duty, function or activity au-
14 thorized or required of review organizations to be civilly
15 liable, if he has exercised due care in such performance.
16 The foregoing provisions of this subsection shall not apply
17 with respect to any action taken by any individual if
18 such individual, in taking such action, was motivated by
19 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. Davin
Chairman Senate Committee

Clarence C. Christie, Jr.
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Robertson Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. Rutledge
President of the Senate

Levin F. McMan
Speaker House of Delegates

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

Anna. Prange
Governor



PRESENTED TO THE
GOVERNOR

Date 3/20/75

Time 4:30 P.M.