

IN THE SENATE

SENATE BILL NO. 1373

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO HOSPITAL LICENSES AND INSPECTION; TO PROVIDE LEGISLATIVE  
2 INTENT; AND AMENDING SECTION 39-1392c, IDAHO CODE, TO REVISE PROVISIONS  
3 RELATING TO IMMUNITY FROM CIVIL LIABILITY.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. LEGISLATIVE INTENT. The Legislature finds that it is  
7 important to protect and encourage the free exchange of information and  
8 opinions regarding peer review activities, which include credentialing.  
9 The Legislature finds that the receiving and use of such information and  
10 opinions is synonymous with peer review decisions ultimately made based  
11 upon such information and opinions and therefore should be afforded the same  
12 treatment and protections.

13 SECTION 2. That Section 39-1392c, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 39-1392c. IMMUNITY FROM CIVIL LIABILITY. The furnishing of  
16 information or provision of opinions to any health care organization or  
17 the receiving and use of such information and opinions or actions or peer  
18 review decisions based upon the receiving and use of such information and  
19 opinions shall not subject any health care organization or other person  
20 to any liability or action for money damages or other legal or equitable  
21 relief. Custodians of such records and persons becoming aware of such  
22 records, data, and opinions, actions or decisions shall not disclose the  
23 same except as authorized by rules adopted by the board of medicine or as  
24 otherwise authorized by law. Any health care organization may receive  
25 such disclosures, subject to an obligation to preserve the confidential  
26 privileged character thereof and subject further to the requirement that  
27 such requests shall be made and such use shall be limited to aid the health  
28 care organization in conducting peer review.