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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY - EMERGENCY MEDICAL TRANSPORTATION
SERVICES

Introduced By: Senators Maher, and Ottiano

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-4.1-18 of the General Laws in Chapter 23-4.1 entitled
2 "Emergency Medical Transportation Services" is hereby amended to read as follows:

3 **23-4.1-18. Peer review boards -- Definition, activities and immunities.** -- (a) For the
4 purposes of this chapter, "peer review board" means any committee of a state or local
5 professional association or society, or any committee authorized by the director of the department
6 of health, or a committee of any licensed emergency medical service employing practicing
7 licensed emergency medical personnel, organized for the purpose of furnishing emergency
8 medical services, the function of which, or one of the functions of which, is to evaluate and
9 improve the quality of health care rendered by providers of health care service or to determine
10 that health care services rendered were professionally indicated or were performed in compliance
11 with the applicable standard of care or that the cost of health care rendered was considered
12 reasonable by the providers of professional health care services in the area.

13 (b) The proceedings and associated records of peer review boards shall be confidential
14 and shall not be subject to discovery or be admissible in evidence in any case except litigation
15 arising out of the imposition of sanctions upon an emergency medical technician. However, any
16 imposition or notice of a restriction of privileges, or a requirement of supervision imposed on an
17 emergency medical technician for failure to comply with the provisions or standards of this
18 chapter, and any regulations promulgated pursuant to section 23-4.1-10, shall be subject to

1 discovery and be admissible in any proceeding against the emergency medical technician for
2 performing, or against any licensed emergency medical service which allows the emergency
3 medical technician to perform, the procedures which are the subject of the restriction or
4 supervision during the period of the restriction or supervision, or subsequent to that period.
5 Nothing contained in this section shall apply to records made in the regular course of business by
6 an emergency medical service or other provider of health care information. Documents or records
7 otherwise available from original sources are not to be construed as immune from discovery or
8 use in any civil proceedings merely because they were presented during the proceedings of the
9 committee.

10 (c) There shall be no monetary liability on the part of, and no cause of action for
11 damages shall arise, against any member of a duly appointed peer review board operated pursuant
12 to written bylaws, for any act or proceeding undertaken or performed within the scope of the
13 functions of any peer review board.

14 (d) There shall be no monetary liability on the part of, and no cause of action for
15 damages shall arise against, any person on account of the communication of information to any
16 peer review board or the department of health or the ambulance service advisory board, when the
17 communication is intended to aid in the evaluation of the qualifications, fitness, or character of an
18 emergency medical technician, and does not represent as true any matter not reasonably believed
19 to be true. Said communication of information, including run reviews and meetings of emergency
20 medical technicians designed to analyze procedures of emergency medical technicians shall be
21 confidential, and shall not be subject to discovery or be admissible in evidence in any case, except
22 litigation arising out of the imposition of sanctions upon an emergency medical technician.

23 (e) Any peer review processes authorized by statute and carried out in good faith shall
24 have the benefit of the state action exemption to the state antitrust law.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - EMERGENCY MEDICAL TRANSPORTATION
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1 This act would provide that run reviews and meetings held by emergency medical
2 technicians for the purpose of analyzing procedures and delivery of services be confidential and
3 exempt from discovery in legal proceedings.

4 This act would take effect upon passage.

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