

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 107, Page 1, Section TITLE, Line 4,

2 by striking "emergency medical services" and inserting in  
 3 lieu thereof the following: "health care"; and  
 4 Further amend said bill, page 5, section 537.035, lines  
 5 64-90, by striking all of said lines; and  
 6 Further amend said bill and section, page 6, lines 91-  
 7 95, by striking all of said lines and inserting in lieu  
 8 thereof the following: "interviews, memoranda,  
 9 [proceedings,] findings, deliberations, reports, and minutes  
 10 of peer review committees, [or the existence of the same,]  
 11 concerning the health care provided any individual  
 12 identifiable patient are privileged and shall not be  
 13 [subject to discovery, subpoena, or other means of legal  
 14 compulsion for their release to any person or entity or be]  
 15 admissible into evidence in any judicial or administrative  
 16 action for failure to provide appropriate care. Except as  
 17 otherwise provided in this section, no person who was in  
 18 attendance at any peer review committee proceeding shall be  
 19 permitted or required to disclose [any information acquired  
 20 in connection with or in the course of such proceeding, or  
 21 to disclose] any opinion, recommendation, or evaluation of  
 22 the committee or board, or any member thereof[; provided,  
 23 however, that]. Such information otherwise discoverable or  
 24 admissible from [original] other sources is not to be  
 25 construed as immune from discovery or use in any proceeding  
 26 merely because it was presented during proceedings before a

27 peer review committee nor is a member, employee, or agent of  
28 such committee, or other person appearing before it, to be  
29 prevented from testifying as to matters [within his personal  
30 knowledge and] in accordance with the rules of evidence and  
31 in accordance with the other provisions of this section, but  
32 such witness cannot be questioned about [testimony or other  
33 proceedings before any health care review committee or board  
34 or about] opinions formed as a result of such committee  
35 hearings. [The disclosure of any interview, memoranda,  
36 proceedings, findings, deliberations, reports, or minutes to  
37 any person or entity, including but not limited to  
38 governmental agencies, professional accrediting agencies, or  
39 other health care providers, whether proper or improper,  
40 shall not waive or have any effect upon its confidentiality,  
41 nondiscoverability, or nonadmissibility.]".