

FORTY-EIGHTH LEGISLATURE
SECOND SESSION, 2008

HB 177/a

February 7, 2008

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 177, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 4, line 4, after "licensee" insert "and that are paid as a direct result of the licensee's care".

2. On page 8, line 6, after "Act", insert "and the Review Organization Immunity Act" and after the semicolon, strike "and".

3. On page 8, line 10, strike the period and insert in lieu thereof "or by an individual who participated in the review organization;

(3) a party who subpoenas the records from the board must demonstrate a legitimate need for the records, as if requesting the records from the review organization; and

(4) an individual, entity or governmental agency that obtains the records from the review organization, from the board or by subpoena is subject to all provisions of the Review Organization Immunity Act regarding unauthorized disclosure, including the criminal penalties of that act."

4. On page 8, line 13, after "timely" insert "written" and after "subpoena" insert ", not later than fifteen days from receipt of the subpoena,".

5. On page 8, line 15, after "intervenor", insert "to bring a direct action".

6. On page 8, line 22, after the period, insert "The opinions expressed by an individual in a review organization document shall

**FORTY-EIGHTH LEGISLATURE
SECOND SESSION, 2008**

SPAC/HB 177

Page 2

not be used as a basis for a decision concerning sanctions against a licensee unless written approval is given by the author of the opinion from the review organization. The immunities given to the review organization and to any participating individual in the review organization pursuant to the Review Organization Immunity Act shall apply to the board's use of the documents or its use of information contained within the documents.".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Ingle, Morales

Absent: None

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