

AMENDMENTS TO LB119

Introduced by Health and Human Services.

1 1. Strike original section 5 and insert the following new sections:

2 Sec. 5. Section 71-7910, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-7910 (1) Peer review committee means a utilization review
5 committee, quality assessment committee, performance improvement
6 committee, tissue committee, credentialing committee, or other committee
7 established by a professional health care service entity or by the
8 governing board of a facility which is a health care provider that does
9 either of the following:

10 (a) ~~(1)~~ Conducts professional credentialing or quality review
11 activities involving the competence of, professional conduct of, or
12 quality of care provided by a health care provider, including both an
13 individual who provides health care and an entity that provides health
14 care; or

15 (b) ~~(2)~~ Conducts any other attendant hearing process initiated as a
16 result of a peer review committee's recommendations or actions.

17 (2) To conduct peer review pursuant to the Health Care Quality
18 Improvement Act, a professional health care service entity shall adopt
19 and adhere to written policies and procedures governing the peer review
20 committee of the professional health care service entity.

21 Sec. 8. Section 71-7913, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-7913 (1) An incident report or risk management report and the
24 contents of an incident report or risk management report are not subject
25 to discovery in, and are not admissible in evidence in the trial of, a
26 civil action for damages for injury, death, or loss to a patient of a
27 health care provider. A person who prepares or has knowledge of the

1 contents of an incident report or risk management report shall not
2 testify and shall not be required to testify in any civil action as to
3 the contents of the report.

4 (2) A health care provider or individual claiming the privileges
5 under this section has the burden of proving that the communications and
6 documents are protected.

7 2. On page 4, line 2, strike "organization" and insert "entity";
8 after line 15 insert:

9 "(3) A health care provider or individual claiming the privileges
10 under this section has the burden of proving that the communications and
11 documents are protected."; and in line 17 strike "and 71-7912" and insert
12 "71-7912, and 71-7913".

13 3. Renumber the remaining section accordingly.