

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 119**

Introduced by Arch, 14.

Read first time January 10, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to  
2 amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, and  
3 71-7912, Reissue Revised Statutes of Nebraska; to define and  
4 redefine terms; to provide for immunity from liability and  
5 confidentiality of information relating to peer review; to harmonize  
6 provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-7904, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-7904 Sections 71-7904 to 71-7913 and section 4 of this act shall  
4 be known and may be cited as the Health Care Quality Improvement Act.

5 Sec. 2. Section 71-7906, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 71-7906 For purposes of the Health Care Quality Improvement Act, the  
8 definitions found in sections 71-7907 to 71-7910 and section 4 of this  
9 act apply.

10 Sec. 3. Section 71-7907, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-7907 Health care provider means:

13 (1) A facility licensed under the Health Care Facility Licensure  
14 Act;

15 (2) A health care professional licensed under the Uniform  
16 Credentialing Act;~~and~~

17 (3) A professional health care service entity; and

18 (4) (3) An organization or association of health care professionals  
19 licensed under the Uniform Credentialing Act.

20 Sec. 4. Professional health care service entity means an entity  
21 which is organized for purposes of rendering professional services  
22 pursuant to the Nebraska Professional Corporation Act, the Nebraska  
23 Uniform Limited Liability Company Act, or the Uniform Partnership Act of  
24 1998 and which renders health care services through individuals  
25 credentialed under the Uniform Credentialing Act.

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

28 71-7910 Peer review committee means a utilization review committee,  
29 quality assessment committee, performance improvement committee, tissue  
30 committee, credentialing committee, or other committee established by a  
31 professional health care service entity or by the governing board of a

1 facility which is a health care provider that does either of the  
2 following:

3 (1) Conducts professional credentialing or quality review activities  
4 involving the competence of, professional conduct of, or quality of care  
5 provided by a health care provider, including both an individual who  
6 provides health care and an entity that provides health care; or

7 (2) Conducts any other attendant hearing process initiated as a  
8 result of a peer review committee's recommendations or actions.

9 Sec. 6. Section 71-7911, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 71-7911 (1) A health care provider or an individual (a) serving as a  
12 member or employee of a peer review committee, working on behalf of a  
13 peer review committee, furnishing counsel or services to a peer review  
14 committee, or participating in a peer review activity as an officer,  
15 director, employee, or member of a professional health care service  
16 entity or an officer, director, employee, or member of the governing  
17 board of a facility which is a health care provider and (b) acting  
18 without malice shall not be held liable in damages to any person for any  
19 acts, omissions, decisions, or other conduct within the scope of the  
20 functions of a peer review committee.

21 (2) A person who makes a report or provides information to a peer  
22 review committee shall not be subject to suit as a result of providing  
23 such information if such person acts without malice.

24 Sec. 7. Section 71-7912, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-7912 (1) The proceedings, records, minutes, and reports of a peer  
27 review committee shall be held in confidence and shall not be subject to  
28 discovery or introduction into evidence in any civil action. No person  
29 who attends a meeting of a peer review committee, works for or on behalf  
30 of a peer review committee, provides information to a peer review  
31 committee, or participates in a peer review activity as an officer,

1 director, employee, or member of a professional health care service  
2 organization or an officer, director, employee, or member of the  
3 governing board of a facility which is a health care provider shall be  
4 permitted or required to testify in any such civil action as to any  
5 evidence or other matters produced or presented during the proceedings or  
6 activities of the peer review committee or as to any findings,  
7 recommendations, evaluations, opinions, or other actions of the peer  
8 review committee or any members thereof.

9 (2) Nothing in this section shall be construed to prevent discovery  
10 or use in any civil action of medical records, documents, or information  
11 otherwise available from original sources and kept with respect to any  
12 patient in the ordinary course of business, but the records, documents,  
13 or information shall be available only from the original sources and  
14 cannot be obtained from the peer review committee's proceedings or  
15 records.

16 Sec. 8. Original sections 71-7904, 71-7906, 71-7907, 71-7910,  
17 71-7911, and 71-7912, Reissue Revised Statutes of Nebraska, are repealed.