

R. Wilson

DIVISION OF MENTAL HEALTH AND HOSPITALS


Administrative Bulletin Transmittal Memorandum No. 21

November 30, 1982

SUBJECT: Administrative Bulletin 4:04
An Act Relating to the Confidentiality of
Information and Data Secured by and in the
Possession of Utilization Review Committees

This Administrative Bulletin presents the statutory rule which governs the confidentiality of information and data secured by utilization review committees and which provides for the protection of physicians who serve on these committees.

Please share the information contained in this bulletin with all members of the medical staff.


Richard H. Wilson, Director
Division of Mental Health and Hospitals

RW:PK:er

DIVISION OF MENTAL HEALTH AND HOSPITALS

ADMINISTRATIVE BULLETIN 4:04

DATE: November 30, 1982

SUBJECT: An Act Relating to the Confidentiality of
Information and Data Secured by and in the
Possession of Utilization Review Committees
Applicability: H,C


Title 2A:84A-22.8 and 22.9, Rules of Evidence, read as follows:

- "1. Information and data secured by and in the possession of utilization review committees established by any certified hospital or extended care facility in the performance of their duties shall not be revealed or disclosed in any manner or under any circumstances by any member of such committee except to: (a) a patient's attending physician, (b) the chief administrative officer of the hospital or extended care facility which it serves, (c) the medical executive committee, or comparable enforcement unit, of such hospital or extended care facility, (d) any hospital service corporation, medical service corporation or insurance company with which said patient has pertinent coverage under a contract, policy or certificate the terms of which authorize the carrier to request and be given such information and data, or (e) representatives of, including intermediaries or carriers for, government agencies in the performance of their duties, under the provisions of Federal and State law.
- "2. No member of a utilization review committee may be held liable for damages or otherwise prejudiced in any manner by reason of recommendations or findings made by said committee or for furnishing information or data obtained in the course of his duties as a member of a committee to the persons and officials mentioned in section 1 hereof."

STATEMENT

"The utilization review committee is a required and valuable mechanism by which a group of physicians, working together and accountable to each other, can assure that, in hospitals and extended care facilities, each patient

under treatment will have fair access to, and optimum use of, scarce and expensive facilities. Protection for the physicians who serve on utilization review committees is necessary to encourage their willing participation and thus effectively to implement the provision of Medicare and other health care measures."


Richard H. Wilson, Director
Division of Mental Health and Hospitals

RW:PK:er