



State of Tennessee

PUBLIC CHAPTER NO. 651

SENATE BILL NO. 2052

By Overbey

Substituted for: House Bill No. 1955

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1 and Title 68, Chapter 11, relative to health care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-150(d), is amended by adding a new subdivision as follows:

(d)(3) A QIC may share information and documents, including complaints, incident reports, and testimony and statements by any person to the QIC, with one or more other QICs as defined under this section or under § 68-11-272. Information and documents disclosed by one QIC to another QIC, and any information and documents created or maintained as a result of the sharing of such information and documents, shall be confidential, privileged and protected from direct or indirect means of discovery, subpoena or admission into evidence, to the same extent as provided in subdivision (d)(1). The QIC sharing such information with another QIC shall determine the manner and process by which it will share such information and documents, which process may include requiring a written agreement between QICs regarding the sharing of practitioner information. The QIC and its sponsoring healthcare organization shall not be held liable and are immune from suit for any disclosure or sharing of information in compliance with this section.

SECTION 2. Tennessee Code Annotated, Section 63-1-150(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) No healthcare organization or its officers, trustees, directors, healthcare providers, administrative staff, employees, other committee members or attendees, or any person providing information to a QIC shall be held liable:

(1) In any action for damages or other relief and is immune from liability arising from the provision of information to a QIC or in any judicial or administrative proceeding if the information is provided to the QIC in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist; or

(2) In any action for damages or other relief and is immune from liability resulting from any decisions, opinions, actions, and proceedings rendered, entered or acted upon by a QIC undertaken or performed within the scope or function of the duties of such committees or in any judicial or administrative proceeding, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

SECTION 3. Tennessee Code Annotated, Section 63-1-150, is amended by adding the following subsections:

(g) Any person providing information to a QIC is presumed to have acted in good faith and without malice. Any person alleging lack of good faith has the burden of proving bad faith and malice.

(h) All decisions, opinions, actions and proceedings rendered, entered or acted upon by a QIC are presumed to have been completed in good faith and without malice. Any person alleging lack of good faith has the burden of proving bad faith and malice.

SECTION 4. Tennessee Code Annotated, Section 68-11-272(c), is amended by adding a new subdivision as follows:

(c)(3) A QIC may share information and documents, including complaints, incident reports, and testimony and statements by any person to the QIC, with one or more other QICs as defined under this section or under § 63-1-150. Information and documents disclosed by one QIC to another QIC, and any information and documents created or maintained as a result of the sharing of such information and documents, shall be confidential, privileged and protected from direct or indirect means of discovery, subpoena or admission into evidence, to the same extent as provided in subdivision (c)(1). The QIC sharing such information with another QIC shall determine the manner and process by which it will share such information and documents, which process may include requiring a written agreement between QICs regarding the sharing of practitioner information. The QIC and its sponsoring healthcare organization shall not be held liable and are immune from suit for any disclosure or sharing of information in compliance with this section.

SECTION 5. Tennessee Code Annotated, Section 68-11-272(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) No healthcare organization or its officers, trustees, directors, healthcare providers, administrative staff, employees, other committee members or attendees, or any person providing information to a QIC shall be held liable:

(1) In any action for damages or other relief arising from the provision of information to a QIC or in any judicial or administrative proceeding if the information is provided to the QIC in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist; or

(2) For damages resulting from any decisions, opinions, actions, and proceedings rendered, entered or acted upon by a QIC undertaken or performed within the scope or function of the duties of such committees or in any judicial or administrative proceeding, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

SECTION 6. Tennessee Code Annotated, Section 68-11-272, is amended by adding the following subsections:

(f) Any person providing information to a QIC is presumed to have acted in good faith and without malice. Any person alleging lack of good faith has the burden of proving bad faith and malice.

(g) All decisions, opinions, actions and proceedings rendered, entered or acted upon by a QIC are presumed to have been completed in good faith and without malice. Any person alleging lack of good faith has the burden of proving bad faith and malice.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2052

PASSED: March 24, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 8th day of April 2014



BILL HASLAM, GOVERNOR