

2A: 84A-22.10

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:84A-22.10

(Veterinarians-- members of ethical and professional boards)

LAWS OF: 1987

CHAPTER: 241

Bill No: S1773

Sponsor(s): O'Connor

Date Introduced: February 24, 1986

Committee: Assembly: Insurance
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 21, 1987
Senate: June 12, 1987

Date of Approval: August 19, 1987

Following statements are attached if available:

Sponsor statement:		Yes
Committee statement:	Assembly	Yes
	Senate	Yes
Fiscal Note:		No
Veto Message:		No
Message on Signing:		No
Following were printed:		
Reports:		No
Hearings:		No

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JUN 21 1987

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[OFFICIAL COPY REPRINT]

SENATE, No. 1773**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 24, 1986

By Senator O'CONNOR

Referred to Committee on Judiciary

AN ACT concerning professional review committees and amending
P. L. 1979, c. 128.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1979, c. 128 (C. 2A:84A-22.10) is amended
2 to read as follows:

3 1. Any person who serves as a member of

4 a. A hospital or long-term health care facility committee estab-
5 lished to administer a utilization review plan for such hospital or
6 long-term health care facility; or

7 b. A hospital medical staff committee having the responsibility
8 of evaluation and improvement of the quality of care rendered in
9 such hospital; or

10-11 c. (deleted by amendment, P. L. 1985, c. 506).

12 d. A hospital peer-review committee having the responsibility
13 for the review of the qualifications and credentials of physicians
14 or dentists seeking appointment or reappointment to the medical
15 or dental staff of a hospital, or of questions of the clinical or ad-
16 ministrative competence of physicians or dentists so appointed,
17 or of matters concerning limiting the scope of hospital privileges
18 of physicians or dentists on the staff, or of matters concerning the
19 dismissal or discharge of same; or

20 e. A peer-review, ethics, grievance, judicial, quality assurance
21 or professional relations committee or subcommittee thereof of a

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted February 5, 1987.

22 local, county or State medical, dental, podiatric, optometric, psy-
 23 chological, *veterinary*, chiropractor or pharmaceutical society or
 24 long-term health care facility association, or of any such society or
 25 association itself, when such society or association or committee or
 26 subcommittee thereof is performing any peer-review, ethics, grie-
 27 vance, judicial, quality assurance or professional relations review
 28 function that is

29 (1) Described in subsections a., b., and d., above of this sec-
 30 tion; or

31 (2) Involves any controversy or dispute between (a) a physician,
 32 dentist, podiatrist, optometrist, psychologist, *veterinarian*, chiro-
 33 practor, pharmacist, nurse, dietitian or licensed administrator and
 34 a patient **or, in the case of a veterinarian, the patient's owner,**
 35 concerning the diagnosis, treatment or care of such patient or the
 36 fees or charges therefor, (b) a physician, dentist, podiatrist, op-
 37 tometrist, psychologist, **veterinarian,** chiropractor, pharmacist,
 38 nurse, dietitian or licensed administrator and a provider of medical,
 39 dental, podiatric, *veterinary*, optometric, psychological, or pharma-
 40 ceutical benefits concerning any medical or health charges or fees
 41 of such physician, dentist, podiatrist, optometrist, psychologist,
 42 **veterinarian,** chiropractor, pharmacist, nurse, dietitian or li-
 43 censed administrator, or (c) physicians, dentists, podiatrists, op-
 44 tometrists, psychologists, **veterinarians,** chiropractors, pharma-
 45 cists, nurses, dietitians or licensed administrators*[:]* *;*

46 shall not be liable in damages to any person for any action taken
 47 or recommendation made by him within the scope of his function
 48 as a member of such committee, subcommittee or society in the
 49 performance of said peer-review, ethics, grievance, judicial, qual-
 50 ity assurance or professional relations review functions, if such
 51 action or recommendation was taken or made without malice and
 52 in the reasonable belief after reasonable investigation that such
 53 action or recommendation was warranted upon the basis of facts
 54 disclosed.

1 2. This act shall take effect immediately.

TORT LIABILITY AND MALPRACTICE

Includes veterinarians among those granted immunity as members
 of ethical or professional boards.

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STATE OF NEW JERSEY

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2 to read as follows:

3 1. Any person who serves as a member of

4 a. A hospital or long-term health care facility committee estab-
5 lished to administer a utilization review plan for such hospital or
6 long-term health care facility; or

7 b. A hospital medical staff committee having the responsibility
8 of evaluation and improvement of the quality of care rendered in
9 such hospital; or

10 c. **[A professional standards review organization as established**
11 **by P. L. 92-603; or]** (deleted by amendment, P. L. 1985, c. 506).

12 d. A hospital peer-review committee having the responsibility
13 for the review of the qualifications and credentials of physicians
14 or dentists seeking appointment or reappointment to the medical
15 or dental staff of a hospital, or of questions of the clinical or ad-
16 ministrative competence of physicians or dentists so appointed,
17 or of matters concerning limiting the scope of hospital privileges
18 of physicians or dentists on the staff, or of matters concerning the
19 dismissal or discharge of same; or

20 e. A peer-review, ethics, grievance, judicial, quality assurance
21 or professional relations committee or subcommittee thereof of a

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

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22 local, county or State medical, dental, podiatric, optometric, psy-
 23 chological, *veterinary*, chiropractor or pharmaceutical society or
 24 long-term health care facility association, or of any such society or
 25 association itself, when such society or association or committee or
 26 subcommittee thereof is performing any peer-review, ethics, grie-
 27 vance, judicial, quality assurance or professional relations review
 28 function that is

29 (1) Described in subsections a., b., c.] and d., above of this
 30 section; or

31 (2) Involves any controversy or dispute between (a) a physician,
 32 dentist, podiatrist, optometrist, psychologist, *veterinarian*, chiro-
 33 practor, pharmacist, nurse, dietitian or licensed administrator and
 34 a patient concerning the diagnosis, treatment or care of such
 35 patient or the fees or charges therefor, (b) a physician, dentist,
 36 podiatrist, optometrist, psychologist, chiropractor, pharmacist,
 37 nurse, dietitian or licensed administrator and a provider of medical,
 38 dental, podiatric, *veterinary*, optometric, psychological or pharma-
 39 ceutical benefits concerning any medical or health charges or fees
 40 of such physician, dentist, podiatrist, optometrist, psychologist,
 41 chiropractor, pharmacist, nurse, dietitian or licensed administra-
 42 tor, or (c) physicians, dentists, podiatrists, optometrists, psycholo-
 43 gists, chiropractors, pharmacists, nurses, dietitians or licensed
 44 administrators: shall not be liable in damages to any person for
 45 any action taken or recommendation made by him within the scope
 46 of his function as a member of such committee, subcommittee or
 47 society in the performance of said peer-review, ethics, grievance,
 48 judicial, quality assurance or professional relations review func-
 49 tions, if such action or recommendation was taken or made without
 50 malice and in the reasonable belief after reasonable investigation
 51 that such action or recommendation was warranted upon the basis
 52 of facts disclosed.

1 2. This act shall take effect immediately.

STATEMENT

This bill includes veterinarians among those granted immunity for damages to a member of an ethics, judicial, quality assurance or professional relations review committee of a professional association, provided actions taken were within the scope of the function of the committee, were without malice and were based upon reasonable grounds.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

SENATE, No. 1773

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1987

This bill extends immunity to veterinarians for any action taken or recommendation made by them within the scope of their functions as a member of a peer-review, ethics, grievance, judicial, quality assurance or professional relations committee of a local, county or State veterinary society if the action or recommendation was taken or made without malice and in the reasonable belief, after reasonable investigation, that the action or recommendation was warranted upon the basis of the facts disclosed.

Increasingly, peer review committees are being utilized to monitor various professions, particularly health care related professions. This bill is intended to permit peer review to be carried out without fear of reprisals in the form of lawsuits against those who serve on peer-review committees. Immunity has already been extended to physicians, dentists, podiatrists, optometrists, psychologists and pharmacists who serve in this capacity. The purpose of this bill is to extend the same protection to veterinarians.

The committee has made technical amendments to the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1773

STATE OF NEW JERSEY

DATED: MARCH 24, 1986

The Senate Judiciary Committee reports favorably Senate Bill No. 1773.

Presently, a licensed professional such as a physician, dentist or optometrist who serves as a member of a peer-review, ethics, grievance or professional relations review committee of a professional association is immune from damages for any action taken within the scope of the function of the committee provided that the action was taken without malice and was based upon reasonable grounds. This bill would add veterinarians to those professionals with immunity for actions taken in connection with service on the type of committees listed above.