

2A:84A-22.10

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:84A-22.10 (Hospital review committee--immunity from liability)

LAWS OF: 198⁵ CHAPTER 506

BILL NO: A3737

Sponsor(s): Doria and others

Date Introduced: June 20, 1985

Committee: Assembly: Judiciary

Senate: -----

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

Date of Passage: Assembly: December 12, 1985

Senate: January 13, 1986

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-21-86

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3737

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1985

By Assemblymen DORIA, CHARLES, VAINIERI, CUPROWSKI,
 RANIERI, LAROUCA, Assemblywoman GARVIN, Assemblyman
 ROCCO and Assemblywoman MUHLER

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]** *long-term* health care facility
 5 committee established to administer a utilization review plan for
 6 such hospital or **[long term]** *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.,*
 11A *c. ...)**

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-view, *ethics, grievance, judicial **, *quality assurance**
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 November 18, 1985.**

21 *or professional relations* committee or subcommittee thereof of
 22 a local, county or State medical, dental, podiatric, optometric,
 23 psychological, chiropractor or pharmaceutical society or [long
 24 term] *long-term* health care facility association, or of any such
 25 society or association itself, when such society or association or
 26 committee or subcommittee thereof is performing any peer-review,
 27 *ethics, grievance, judicial **, *quality assurance** or *professional*
 27A *relations review* function that is

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

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

1 2. This act shall take effect immediately.

ASSEMBLY, No. 3737

STATE OF NEW JERSEY

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By Assemblymen DORIA, CHARLES, VAINIERI, CUPROWSKI,
RANIERI, LaROCCA, Assemblywoman GARVIN, Assemblymen
ROCCO and MUHLER

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2 to read as follows:

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4 a. A hospital or **[long term]** *long-term* health care facility
5 committee established to administer a utilization review plan for
6 such hospital or **[long term]** *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

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 or professional*

**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.

21 *relations* committee or subcommittee thereof of a local, county or
 22 State medical, dental, podiatric, optometric, psychological, chiro-
 23 practor or pharmaceutical society or [long term] *long-term* health
 24 care facility association, or of any such society or association itself,
 25 when such society or association or committee or subcommittee
 26 thereof is performing any peer-review, *ethics, grievance, judicial*
 27 *or professional relations review* function that is

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

30 (2) Involves any controversy or dispute between (a) a physician,
 31 dentist, podiatrist, optometrist, psychologist, chiropractor,
 32 pharmacist, nurse, dietitian or licensed administrator and a patient
 33 concerning the diagnosis, treatment or care of such patient or the
 34 fees or charges therefor, (b) a physician, dentist, podiatrist,
 35 optometrist, psychologist, chiropractor, pharmacist, nurse, dietitian
 36 or licensed administrator and a provider of medical, dental,
 37 podiatric, optometric, psychological or pharmaceutical benefits
 38 concerning any medical or health charges or fees of such physician,
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 42 pharmacists, nurses, dietitians or licensed administrators: shall
 43 not be liable in damages to any person for any action taken or
 44 recommendation made by him within the scope of his function
 45 as a member of such committee, subcommittee or society in the
 46 performance of said peer-review, *ethics, grievance, judicial or*
 47 *professional relations review* functions, if such action or recom-
 48 mendation was taken or made without malice and in the reasonable
 49 belief after reasonable investigation that such action or recom-
 50 mendation was warranted upon the basis of facts disclosed.

1 2. This act shall take effect immediately.

Sponsors STATEMENT

This bill grants immunity from liability for damages to a member of an ethics, grievance, judicial or professional relations review committee of a hospital, long-term health care facility, or a professional association, provided that the actions taken were within the scope of the function of the committee, were without malice and were based upon reasonable grounds.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3737

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1985

As amended by the committee, this bill grants immunity from liability for damages to a member of an ethics, grievance, judicial, quality assurance, or professional relations committee of a hospital, long-term health care facility, or a professional association, provided that the actions taken were within the scope of the function of the committee, were without malice and were based upon reasonable grounds.