

By: Representative Eure

To: Judiciary A

HOUSE BILL NO. 1603

1 AN ACT TO DECLARE THAT THE RECORDS AND PROCEEDINGS OF AN
 2 ORGAN PROCUREMENT ORGANIZATION PEER REVIEW COMMITTEE ARE
 3 CONFIDENTIAL AND NOT DISCOVERABLE IN A CIVIL ACTION; TO DEFINE
 4 CERTAIN TERMS; TO DESCRIBE THE FUNCTIONS OF PEER REVIEW
 5 COMMITTEES; TO PROVIDE THAT PERSONS PROVIDING INFORMATION TO AND
 6 MEMBERS OF A PEER REVIEW COMMITTEE MAY NOT BE HELD LIABLE FOR
 7 ACTIONS TAKEN BY THE COMMITTEE; TO PROHIBIT A PEER REVIEW
 8 COMMITTEE AND ITS MEMBERS FROM REVEALING THE IDENTITY OF ORGAN
 9 DONORS AND RECIPIENTS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) As used in this section, the following words
 12 and phrases have the meanings ascribed in this subsection unless
 13 the context clearly requires otherwise:

14 (a) "Organ procurement organization PEER review
 15 committee," "PEER review committee" or "committee" means a
 16 committee of representatives of a not-for-profit organization
 17 responsible for recovering organs from donors for transplantation,
 18 which organization's federally designated donation service area
 19 includes all or a portion of the State of Mississippi. An "organ
 20 procurement organization PEER review committee" may be comprised
 21 solely of representatives of a state not-for-profit organization



22 or any national not-for-profit entity with which the federal
23 government contracts to serve as the nation's transplant system,
24 or a combination of representatives from both the state
25 organization and entity servicing as the nation's transplant
26 system.

27 (b) "Proceedings" means all reviews, meetings,
28 conversations and communications of an organ procurement
29 organization PEER review committee.

30 (c) "Records" means all committee minutes, transcripts,
31 applications, correspondence, incident reports and other documents
32 created, received or reviewed by or for an organ procurement
33 organization PEER review committee.

34 (2) A not-for-profit organization responsible for recovering
35 organs from donors for transplantation in all or a portion of the
36 state may establish an organ procurement organization PEER review
37 committee. The functions of an organ procurement organization
38 PEER review committee include, but are not limited to: evaluating
39 and improving the quality of services rendered by the state
40 organization; evaluating the competence or practice of employees
41 and staff of the state organization; and determining if services
42 rendered by the organization were professionally performed in
43 compliance with the applicable standard of care.

44 (3) A person or institution furnishing information, data,
45 reports or records to a PEER review committee may not be held
46 liable for damages to another person by reason of furnishing the



47 information. A member of a PEER review committee may not be held
48 liable for damages to a person for an action taken or
49 recommendation made within the scope of the functions of the
50 committee if the committee or committee member acted without
51 malice and in the reasonable belief that the action or
52 recommendation was warranted by the facts known to the individual
53 at the time of the action or recommendation.

54 (4) The identity of a person who is an organ donor or organ
55 recipient is confidential and may not be revealed by a PEER review
56 committee or member of the committee.

57 (5) Notwithstanding any conflicting statute, court rule or
58 other law, in order to encourage PEER review activity, the
59 proceedings and records of an organ procurement organization PEER
60 review committee are confidential and not subject to discovery or
61 introduction into evidence in a civil action arising out of the
62 matters which are the subject of evaluation and review by the
63 committee. A person who was in attendance at a meeting of the
64 PEER review committee may not be permitted or required to testify
65 in a civil action regarding evidence or other matters produced or
66 presented during the proceedings of the committee or as to any
67 findings, recommendations, evaluations, opinions or other actions
68 of the committee or its members. However, information, documents
69 or records otherwise discoverable or admissible from original
70 sources are not to be construed as immune from discovery or use in
71 a civil action merely because they were presented during the



72 proceedings of the committee. A person who testifies before the
73 committee or who is a member of the committee may not be prevented
74 from testifying as to other matters within the person's knowledge;
75 however, a witness may not be questioned concerning the person's
76 participation on or testimony before the committee or opinions
77 formed by the witness as a result of the PEER review committee
78 hearings or proceedings.

79 (6) The provisions of subsection (5) of this section which
80 limit the discovery of PEER review committee records and
81 proceedings do not apply in a legal action brought by a PEER
82 review committee against an employee of the organization or other
83 person for alleged wrongdoing or in a legal action brought by an
84 aggrieved employee of the organization or other person against the
85 committee or a member of the committee for actions alleged to have
86 been malicious.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2024.

