

Sixty-fourth  
Legislative Assembly  
of North Dakota

Introduced by

Senator Anderson

Representative Dockter

1 A BILL for an Act to amend and reenact section 23-34-01 of the North Dakota Century Code,  
2 relating to medical peer review records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-34-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-34-01. Definitions.**

7 As used in this chapter:

8 1. "Health care organization" means:

- 9 a. A hospital;
- 10 b. A hospital medical staff;
- 11 c. A clinic;
- 12 d. A long-term or extended care facility;
- 13 e. An ambulatory surgery center;
- 14 f. An emergency medical services unit;
- 15 g. A physician;
- 16 h. A group of physicians operating a clinic or outpatient care facility;
- 17 i. A pharmacist;
- 18 j. A pharmacy;
- 19 k. An association or organization, whether domestic or foreign, of medical  
20 institutions or medical professionals;
- 21 j-l. A nonprofit corporation, whether domestic or foreign, that owns, operates, or is  
22 established by any entity set forth in subdivisions a through i;
- 23 k-m. Any combination of entities set forth in subdivisions a through j; or
- 24 l-n. Any federally designated state peer review organization.

- 1           2. "Health care provider" means a physician or other person licensed, certified, or  
2           otherwise authorized by the law of this state to provide health care services.
- 3           3. "Peer review organization" means:  
4           a. A health care organization; or  
5           b. A committee of a health care organization which:  
6               (1) Is composed of health care providers, employees, administrators,  
7               consultants, agents, or members of the health care organization's governing  
8               body; and  
9               (2) Conducts professional peer review.
- 10          4. a. "Peer review records" means:  
11               (1) Data, information, reports, documents, findings, compilations and  
12               summaries, testimony, and any other records generated by, acquired by, or  
13               given to a peer review organization as a part of any professional peer  
14               review, regardless of when the record was created; and  
15               (2) Communications relating to a professional peer review, whether written or  
16               oral, between:  
17                   (a) Peer review organization members;  
18                   (b) Peer review organization members and the peer review organization's  
19                   staff; or  
20                   (c) Peer review organization members and other persons participating in  
21                   a professional peer review, including the person who is the subject of  
22                   the professional peer review.
- 23          b. The term does not include original patient source documents.
- 24          5. "Professional peer review" means all procedures a peer review organization uses or  
25          functions it performs to monitor, evaluate, and take action to review the medical care  
26          provided to patients by health care organizations or health care providers and includes  
27          procedures or functions to:  
28               a. Evaluate and improve the quality of health care;  
29               b. Obtain and disseminate data and statistics relative to the treatment and  
30               prevention of disease, illness, or injury;  
31               c. Develop and establish guidelines for medical care and the costs of medical care;

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- 1           d.   Provide to other affiliated or nonaffiliated peer review organizations information
- 2           that is originally generated within the peer review organization for the purposes of
- 3           professional peer review;
- 4           e.   Identify or analyze trends in medical error, using among other things a
- 5           standardized incident reporting system; and
- 6           f.   Provide quality assurance.