

## HOUSE BILL No. 3042

By Committee on Federal and State Affairs

5-14

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AN ACT concerning peer review; reporting of criminal activity; immunity from liability.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) Notwithstanding the provisions of K.S.A. 65-4915 and 65-4925, and amendments thereto, when any person who is an officer or member of a peer review committee, as defined in K.S.A. 65-4915, and amendments thereto, or who is a member of an executive or review committee pursuant to K.S.A. 65-4925, and amendments thereto, receives information as a result of being a member of such committee, and as a result of receiving such information has reason to suspect that a crime has occurred, such person shall report the matter promptly to the appropriate law enforcement agency. The report may be made orally and shall be followed by a written report if requested.

(b) The reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be subject to discovery, subpoena or other means of legal compulsion for their release to be admissible in evidence in a criminal investigation or prosecution based on a suspicion that a crime has occurred and been reported pursuant to subsection (a).

(c) Any person who releases information, whether oral or written, pursuant to subsection (a) shall not be subject to a lawsuit for liability arising out of a civil action by reason of providing such information, if the information was provided in good faith and did not represent as true any matter not reasonably believed to be true.

(d) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(e) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

(f) No person shall discharge or in any manner discriminate against a person because such person releases information pursuant to subsection (a).

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.