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Oregon's Statutory Peer Review Privilege for Health Care Providers: What It Is and How to Not Waive It

Litigation Journal

Jeff Brecht authored an article for the Oregon State Bar *Litigation Journal* Spring 2016 edition titled "Oregon's Statutory Peer Review Privilege for Health Care Providers: What It Is and How to Not Waive It." In the article, Brecht discussed Oregon's medical peer review privilege statute, ORS 41.675, and how it offers medical service providers important protections in exchange for the providers participation in bona fide activities that are covered by the privilege in order to improve medical care. He also discussed the appropriate steps to take to ensure the privilege is understood, properly used, and not inadvertently waived.

The protection of ORS 41.675 apply in the context of "peer review bodies" or entities such as hospitals, emergency service providers, medical staff committees of the Department of Corrections, and certain health care facilities such as skilled nursing facilities. The statutory privilege does not apply to assisted living or other residential care facilities.

Under ORS 41.65, "data" provided to a "peer review body" is privileged and not admissible in evidence in any judicial, administrative, arbitration, or mediation proceedings.