

Peer Review Procedure; Sub. for HB 2246

Sub. for HB 2246 creates new law establishing a peer review procedure for occupations and professions which are under the jurisdiction of the Board of Technical Professions (Board).

The purposes of the peer review may include:

- Evaluating and improving the design, drawings specifications or quality of services rendered by a design professional, which is defined to include the practices of architecture, landscape architecture, land surveying, geology, or engineering;
- Evaluating the design, construction, procedures and results of improvements to real property based upon services rendered by a design professional during or after completion of such improvements; or
- Preparing an internal lessons learned review of any project or services rendered for the purpose of improving the quality of services rendered by a design professional.

A peer review committee or peer reviewer may communicate activities, information, and findings to other peer review committees or peer reviewers or to the design professional who uses the peer reviewer or peer review committee and to any officer, director, or quality control director without a waiver of privilege. Additionally, each peer reviewer and member of a peer review committee is immune from civil liability. However, this immunity covers only peer reviews by a third-party design professional who is not an employee, coworker, or partner of the design professional and has no other role in the project.

A peer reviewer or peer review committee is defined as an individual design professional or a committee of design professionals retained, employed, designated or appointed by the following:

- A state, county, or local society of design professionals; or
- The board of directors, chief executive officer, quality control director, or employed design professional of a business entity which is considered a technical profession.

Additionally, any reports, statements, memoranda, proceedings, filings, and other records which are submitted or generated by any peer review committee or peer reviewer is privileged from discovery or subpoena. However, the design professional who uses a peer reviewer or peer review committee is the holder of the privilege.

The privilege exception does not apply to proceedings by the Board in which a design professional contests the revocation, denial, restriction or termination of the license, registration, certification or other authorization to practice of the design profession. The bill also requires any disciplinary proceeding conducted by the Board in which admission of any peer review report, record, or testimony be held in closed session.