

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROCEEDINGS, RECORDS, AND FILES OF A MEDICAL REVIEW COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING REVIEWED AND EVALUATED BY THE MEDICAL REVIEW COMMITTEE.

(E) SAME -- EXCEPTIONS.

SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO:

(1) A CIVIL ACTION BROUGHT BY A PARTY TO THE PROCEEDINGS OF THE MEDICAL REVIEW COMMITTEE WHO CLAIMS TO BE AGGRIEVED BY THE DECISION OF THE MEDICAL REVIEW COMMITTEE; OR

(2) ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE MEDICAL REVIEW COMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY AND INTRODUCTION INTO EVIDENCE IN A CIVIL TRIAL.

(F) IMMUNITY FROM CIVIL LIABILITY.

A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF JURISDICTION OF A MEDICAL REVIEW COMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE MEDICAL REVIEW COMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE MEDICAL REVIEW COMMITTEE.

(G) INAPPLICABILITY TO COMMISSION AND CERTAIN INVESTIGATORY BODIES.

NOTWITHSTANDING THIS SECTION, §§ 14-510 AND 14-511 OF THIS TITLE APPLY TO:

(1) THE COMMISSION; AND

(2) ANY OTHER ENTITY, TO THE EXTENT THAT IT IS ACTING IN AN INVESTIGATORY CAPACITY FOR THE COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 134A.

The Commission to Revise the Annotated Code calls to the attention of the General Assembly that present Art. 43, § 134A(d) states in its first sentence that certain documents are privileged from discovery and admission into evidence and then in its third sentence provides for an exception that seemingly is as broad as the privilege. The revised language in this section closely follows the present law. However, the Commission believes that present Art. 43, § 134A(d), and, in turn, this section, may not state the intent of the General Assembly.