

CONFIDENTIALITY GUIDELINES FOR PARTICIPANTS IN NURSING PEER REVIEW

Note: BON Rule 217.19 requires written agreement by all parties to prevent disclosure of confidential information. It is recommended that committee members and support staff sign these guidelines when appointed and nurse, witnesses, etc. sign at the time they become involved. See the discussion on confidentiality in Reference Section of this Handbook.

The nursing peer review committee functions in accordance with the requirements of the Nursing Peer Review Law, (Chapter 303 of the Occupations Code) and BON Rule 217.19 governing incident-based nursing peer review. They require that confidentiality be maintained for all information presented or considered in the peer review process. Confidentiality is necessary to protect not only the nurse being reviewed, but also to facilitate the open discussion of opinions by members and other participants in the process. The Nursing Peer Review Law provides significant protections from civil liability for persons participating in good faith in nursing peer review. Violating confidentiality could result in loss of these protections and expose both the person breaching confidentiality and the committee itself to civil liability. The following guidelines are designed to assist participants in avoiding any inadvertent breaches of confidentiality.

Restrictions on Disclosure:

1. A member, agent or employee of the committee, the nurse being reviewed, witnesses or any other participant in any peer review proceedings may not voluntarily disclose any communication to the committee or any record or proceeding of the committee. Nor may they be required to disclose such information.
2. Any person who attends any proceeding of the committee may not voluntarily disclose any information acquired or disclose any opinion, recommendation, or evaluation of the committee or any member of the committee. Nor may they be required to disclose this information.
3. Members of the committee and participants may not be questioned about their testimony or about opinions formed as a result of the committee proceedings.
4. Peer review committees are required to protect to the extent possible the identity of patients.
5. The nurse's consulting with an attorney does not breach confidentiality.
6. Members of the committee may not report the nurse being reviewed to the BON independently of the committee if the member's sole source of information about the nurse's conduct is from being on the committee.

Guidelines for Participants:

1. You should not discuss any case except as part of your official responsibilities on the committee. Casual or "cocktail" conversation about a case is one of the easiest ways to breach confidentiality. Discussing a case with a third party to get their opinion or feeling can also result in inadvertently disclosing confidential information. You never know when some seemingly unimportant information will permit the third party to identify the person you are

discussing.

2. If you are questioned about a case or your participation in a proceeding, you should explain that the Nursing Peer Review Law does not permit you to respond to any questions. You should refer the person to the committee chair and immediately notify the chair of the incident.
3. You should refer to individual patients only if the chair of the committee has been consulted. Normally, procedures can be developed to permit a case to be discussed without identifying patients by name.
4. If you have any questions about confidentiality, consult the committee chair.

I have read the above guidelines and understand and agree to abide by them and to protect the confidentiality of all information that I learn as a participant in the nursing peer review process.

Signature

Date

Printed Name: _____