

325.431 Evidentiary privilege for sponsoring organization materials -- Testimonial privilege -- Exceptions.

- (1) The proceedings, records, and workpapers of the sponsoring organization shall be privileged and not subject to discovery, subpoena, or other means of legal process, or introduction into evidence in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding. No member of the sponsoring organization or person involved in the peer review process shall testify in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding as to any matter produced, presented, disclosed, or discussed during or in connection with the peer review process, or as to any finding, recommendation, evaluation, opinion, or other action of the committee.
- (2) Information, documents, or records that are publicly available shall not be immune from discovery or use in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding merely because they were presented or considered in connection with the peer review process.
- (3) The privilege created in subsection (1) of this section shall not apply to:
 - (a) Materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the peer review process.
 - (b) Disputes between the sponsoring organization and persons or firms subject to a peer review arising from the performance of the peer review.
 - (c) Correspondence and reports of the peer review program obtained by the board from a licensee seeking renewal or an individual or firm seeking to become licensed.
 - (d) A statement obtained by the board from sponsoring organization to determine if a licensee seeking renewal or an individual or firm seeking to become licensed is enrolled in or is not enrolled in a peer review program.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 24, sec. 4, effective July 14, 2018. -- Amended 2011 Ky. Acts ch. 31, sec. 3, effective June 8, 2011. -- Amended 2004 Ky. Acts ch. 34, sec. 2, effective July 13, 2004. -- Created 1992 Ky. Acts ch. 18, sec. 1, effective July 14, 1992.