

LEGISLATIVE BILL 421

Approved by the Governor March 29, 1982

Introduced by Banking, Commerce and Insurance Committee,
DeCamp, 40, Chpn.; Clark, 47; Fitzgerald, 14;
Remmers, 1; Labeledz, 5; Haberman, 44; Landis,
46

AN ACT relating to public health and welfare; to define terms; to provide for reporting and investigation of violations by professional licensees; to provide for confidentiality of records; and to provide a penalty.

Be it enacted by the people of the State of Nebraska,

Section 1. For the purposes of this act, unless the context otherwise requires:

(1) Uniform Licensing Law shall mean sections 71-101 to 71-1,197;

(2) Department shall mean the Department of Health;

(3) Law enforcement agency shall mean any governmental agency charged by law with carrying out any of the provisions of the Uniform Licensing Law, or any person authorized by law to make arrests within the State of Nebraska; and

(4) Practitioner shall mean any person required to be licensed under the provisions of the Uniform Licensing Law, whether or not such person is so licensed.

Sec. 2. Any insurer, having knowledge of any violation of any of the provisions of the Uniform Licensing Law shall report the facts of such violation as known to such insurer to the department.

Sec. 3. Any insurer, having reasonable grounds to believe that any violation of any of the provisions of the Uniform Licensing Law has occurred, shall report the facts of such violation as known to such insurer to the department without revealing the identity of any person involved in such violation.

Sec. 4. Any insurer who shall fail or neglect to make a report to the department as required by section 2 or 3 of this act within a reasonable time shall be guilty of a Class IV misdemeanor, unless such insurer shall have reported the required facts to a law enforcement agency.

Sec. 5. To the extent that such reports contain or relate to privileged communications between patient and practitioner, such reports are privileged communications which may not be obtained by legal discovery proceedings or otherwise disclosed unless the privilege is waived by the patient involved.

Sec. 6. Any reports made to the department pursuant to the requirements of section 2 or 3 of this act shall be subject to the investigatory and enforcement provisions of the Uniform Licensing Law.

Sec. 7. Any insurer or employee of an insurer making a report as required by section 2 or 3 of this act shall be immune from criminal penalty of any kind or from civil liability or other penalty for slander, libel, defamation, breach of the physician-patient privilege, or violation of the laws of the State of Nebraska relating to the business of insurance that may be incurred or imposed on account of or in connection with the making of such report, except that such immunity shall not apply to the making of malicious or knowingly false statements or to the initiating of a report with reckless disregard for the truth of such report.

Sec. 8. Nothing contained in this act shall be construed so as to require any practitioner to violate a practitioner-patient privilege.