

## 20-13-819. Quality or system assessment and improvement.

(a)(1) Any data, records, reports, and documents collected or compiled by or on behalf of the Department of Health, the Trauma Advisory Council, or other entity authorized under this subchapter for the purpose of quality or system assessment and improvement of the trauma system shall not be subject to disclosure under the Freedom of Information Act of 1967, § [25-19-101](#) et seq., to the extent that it identifies or could be used to identify any individual patient, provider, institution, or health plan.

(2) For purposes of this section, "data, records, reports, and documents" means recordings of interviews and all oral or written proceedings, reports, statements, minutes, memoranda, data, and other documentation collected or compiled for the purposes of trauma system quality review or trauma system assessment and improvement pursuant to a requirement of or request by the department, the council, or other entity authorized by this chapter.

(b)(1) Any data, records, reports, and documents collected or compiled by or on behalf of the department, the council, or other entity authorized under this subchapter for the purpose of quality or system assessment and improvement shall not be admissible in any legal proceeding and shall be exempt from discovery and disclosure to the same extent that records of and testimony before committees evaluating the quality of medical or hospital care are exempt under § [16-46-105](#)(a)(1).

(2) A healthcare provider's use of the information in its internal operations shall not operate as a waiver of these protections.

(c) All information shall be treated in a manner that is consistent with all state and federal privacy requirements, including without limitation the federal Health Insurance Portability and Accountability Act of 1996 privacy rule, [45 C.F.R. § 164.512](#)(i).

(d) The department or other entity authorized to provide services for the trauma system may use any data, records, reports, or documents generated or acquired in its internal operations without waiving any protections under this section.

**History.** Acts [2009, No. 393](#), § 1.