

To: David Herlihy, Executive Director, Vermont Board of Medical Practice
From: Helena Gardner, Legislative Counsel
Re: Act 23 Questionnaire: Board of Medical Practice-related exemptions

1) Consolidated peer review-related exemption

Three Public Records Act (“PRA”) exemptions address the confidentiality of peer review records. The Public Records Study Committee (“Committee”) is considering recommending a consolidated exemption as follows:

(c) The following public records are exempt from public inspection and copying and shall not be released:

* * *

(#) records related to peer review proceedings, to the extent specified in 18 V.S.A. § 9414(f) (evaluation of managed care organization’s performance; peer review records); 26 V.S.A. § 1443 (health services peer reviews); and 26 V.S.A. § 4190 (licensed midwives peer reviews);

Questions:

- Do you object to the draft language above, and if so why?
- If you object to the language but not to the concept of this consolidated exemption, could you suggest improvements to the language?

2) Consolidated exemption for professional licensees

Several PRA exemptions relate to the confidentiality of complaints against and investigations into professionally licensed persons, and information required to be reported about licensed medical practitioners. The Committee is considering recommending a consolidated exemption that addresses such records as follows:

(c) The following public records are exempt from public inspection and copying and shall not be released:

* * *

(#) records of complaints against and investigations into professional licensees and information required to be reported about professional licensees, to the extent provided in 3 V.S.A. § 131 (Secretary of State; complaints against licensees, investigations); 16 V.S.A. § 1708 (Agency of Education licensees); 26 V.S.A. §§ 1317 and 1368 (information required to be reported by health care institutions and insurers); and 26 V.S.A. § 1318 (practice of medicine; complaints against licensees, investigations);

Questions

- Do you object to the draft language above, and if so why?
- If you object only to the language but not to the concept of the consolidated exemption, could you suggest improvements to the language?