

Evidence Code Section 1157 Expanded to Include Pharmacy Review Committees

On September 4, 2015, Governor Brown signed SB 672, amending Evidence Code Section 1157 to include pharmacists within its scope.

Section 1157 of the California Evidence Code creates an exemption from discovery for proceedings and records of certain organized medical committees responsible for evaluating and improving the quality of care. Section 1157 also prohibits compelled testimony regarding the content of any such meeting. The California legislature enacted this law to promote candor and objectivity in physician review and discussion. The legislature believed that allowing medical practitioners to frankly discuss care and conduct in a confidential setting, without worry about external access to the information, would enhance the quality of medical practice. Prior to Governor Brown's signature on SB 672, Section 1157 did not include pharmacists.

Before enactment of SB 672, California Business & Professions Code Section 4125 protected from discovery records generated for and maintained as a component of a pharmacy's ongoing quality assurance program. But peer review of pharmacists, including certified "advanced practice pharmacists," who work outside of a pharmacy in a hospital or clinical setting fell outside the protections. The recent amendment of Section 1157 by SB 672 attempts to bridge that gap by including pharmacists among the medical professionals whose peer review records are exempted from civil discovery and whose testimony cannot be compelled under Evidence Code Section 1157.

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