AMENDED IN SENATE APRIL 11, 2005

SENATE BILL No. 932

Introduced by Senator Kuehl

February 22, 2005

~~An act to amend Section 805.2 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 809.05, 809.1, 809.2, 809.3, 809.4, and 809.5, of, and to add Sections 809.10, 809.13, and 2197.5 to, the Business and Professions Code, relating to healing arts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 932, as amended, Kuehl. ~~Health care professionals: professional review~~ *Physicians and surgeons: peer review*.

Existing law, the Medical Practice Act, provides for licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law establishes a peer review system for physicians and surgeons under which a peer review body may take certain action against a physician and surgeon in accordance with various discovery, hearing, and appeal procedures.

This bill would make a number of changes to the peer review process. The bill would require the peer review body to give the licentiate written notice of the final proposed action by personal service or by certified mail. The bill would limit the final proposed action to acts or omissions that have occurred within 3 years of the filing of the notice of charges, with certain exceptions. The bill would modify the hearing process to provide for a panel acting as the trier of fact consisting of 3 unbiased healing arts practitioners whose scope of practice is at least as broad as that of the licentiate under review, and a presiding hearing officer with specified qualifications. The bill would require the Division of Medical Quality of the board to approve independent judicial review panel organizations to provide hearing

panels. The bill would provide for a clinical improvement training program designed to ensure that licentiates are able to access additional training. Under the bill, referral to a training program would be one option for a panel to consider, and successful completion of the program would terminate the inquiry that resulted in referral to the program. The bill would make other related changes.

~~Existing law provides a procedure for the professional review of specified healing arts licentiates by a peer review body. Existing law declares the intent of the Legislature to provide for a comprehensive peer review study to be conducted by the Institute for Medical Quality that would, among other things, review and evaluate the existing peer review process in this state. Existing law requires that the institute work with and be under the general oversight of the Medical Director of the Medical Board of California in conducting the study, and that the institute submit a written report regarding its findings and recommendations to the board and the Legislature by November 1, 2003.~~

~~This bill would instead require the institute to submit a written report regarding its findings and recommendations to the board and the Legislature by November 1, 2006.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 805.2 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 *SECTION 1. Section 809.05 of the Business and Professions*
4 *Code is amended to read:*
5 809.05. It is the policy of this state that peer review be
6 performed by licentiates. This policy is subject to the following
7 limitations:
8 (a) The governing bodies of acute care hospitals have a
9 legitimate function in the peer review process. In all peer review
10 matters, the *hospital* governing body *or, where it makes the final*
11 *decision, the peer review body, reviewing a decision of a hearing*
12 *panel administered by an independent judicial review*
13 *organization (IJRPO) under Section 809.10* shall give great
14 weight to the actions of ~~peer review bodies and, in no event, shall~~
15 ~~act in an arbitrary or capricious manner~~ *the hearing panel. The*

obligation to give great weight to the action of the IJRPO hearing panel requires that the findings and the proposed action of the panel shall be affirmed if there is substantial evidence in the record to support the findings, following a fair procedure. In those instances where a governing body or, where it makes the final decision, the peer review body, properly complies with Sections 809 to 809.13, inclusive, in a peer review action, including affording great weight to the action of the IJRPO hearing panel in any action, the governing body or peer review body shall not be liable to any person or entity for any claim based on breach of a duty to assure the competence of the physician and surgeon subject to the peer review action.

(b) In those instances in which the peer review body's failure to investigate, or initiate disciplinary action, is contrary to the weight of the evidence, the governing body shall have the authority to direct the peer review body to initiate an investigation or a disciplinary action, but only after consultation with the peer review body. No such action shall be taken in an unreasonable manner.

(c) In the event the peer review body fails to take action in response to a direction from the governing body, the governing body shall have the authority to take action against a licentiate. Such action shall only be taken after written notice to the peer review body and shall fully comply with the procedures and rules applicable to peer review proceedings established by Sections 809.1 to 809.6, inclusive.

(d) A governing body and the medical staff shall act exclusively in the interest of maintaining and enhancing quality patient care.

(e) It is not the intent or purpose of this section to prohibit or discourage public members on state licensing boards and ~~medical quality review committees~~ *panels of the Division of Medical Quality* from participating in disciplinary actions as authorized by law.

SEC. 2. Section 809.1 of the Business and Professions Code is amended to read:

809.1. (a) A licentiate who is the subject of a final proposed action of a peer review body for which a report is required to be filed under Section 805 shall be entitled to written notice as set forth in subdivisions (b) and (c). For the purposes of this section,

the "final proposed action" shall be the final decision or recommendation of the peer review body after informal investigatory activity or prehearing meetings, if any.

(b) The peer review body shall give the licentiate written notice of the final proposed action*, by personal service and an affidavit attesting to that service or by certified mail, return receipt requested*. This notice shall include all the following information:

(1) That an action against the licentiate has been proposed by the peer review body which, if adopted, shall be taken and reported pursuant to Section 805.

(2) The final proposed action.

(3) That the licentiate has the right to request a hearing on the final proposed action.

(4) The time limit, within which to request such a hearing.

(c) If a hearing is requested on a timely basis, the peer review body shall give the licentiate a written notice stating all of the following:

(1) The reasons for the final proposed action taken or recommended,~~ including~~ *which may include only* the acts or omissions~~ with which the licentiate is charged~~ *that have occurred within the three years prior to the date of the notice of charges was served by certified mail, or the date the notice was personally served*.

(2) The place, time, and date of the hearing*, as specified in subdivision (h) of Section 809.2*.

SEC. 3. Section 809.2 of the Business and Professions Code is amended to read:

809.2. If a licentiate timely requests a hearing concerning a final proposed action for which a report is required to be filed under Section 805, the following shall apply:

(a) The hearing shall be held~~, as determined by the peer review body,~~ before a trier of fact,~~ which~~ *who* shall be an arbitrator or arbitrators selected by a process mutually acceptable to the licentiate and the peer review body, or*, if the parties do not agree to arbitrate,* before a panel of *three* unbiased~~ individuals~~ *licentiates each of whose scope of practice is at least as broad as that of the licentiate under review and* who shall gain no direct financial benefit from the outcome, *and* who have not acted as an accuser, investigator,~~ factfinder,~~ or initial decisionmaker in the

same matter *and who do not practice in the same facility or in a facility under common ownership or control as the facility or clinic as described in Division 2 (commencing with Section 1200) of the Health and Safety Code of the licentiate under review*, and which *panel* shall include, where feasible, an individual practicing the same specialty as the licentiate.

If, within 10 working days after the peer review body has received a request for a hearing, the parties do not mutually agree to arbitrate, the members of the hearing panel shall be designated by an IJRPO, as defined in Section 809.10.

(b) ~~If~~ *The parties shall jointly select* a hearing officer ~~is selected~~ to preside at ~~a~~ *any* hearing held before a panel~~, the~~ *of healing arts practitioners. The* hearing officer *be an attorney who* shall gain no direct financial benefit from the outcome, *shall not directly or through any law firm affiliation have represented either party, or any affiliate, subsidiary, or other relation of either party,* shall not act as a prosecuting officer or advocate *for either party*, and shall not be entitled to vote.

If the parties do not mutually agree on a hearing officer within 10 calendar days after the peer review body has received a request for hearing, the parties shall request a list of five hearing officers from the American Arbitration Association or other dispute resolution organization, in the business of providing arbitrators, mediators, and other neutrals, which organization meets appropriate established standards. The list shall be accompanied by all of the following information for each proposed hearing officer: (1) a curriculum vitae, (2) a list identifying any health facility, health plan, or other peer review body that has previously retained the proposed hearing officer to perform any action in conjunction with any peer review matter involving that entity, (3) the proposed hearing officer's role, such as prosecuting attorney, defense attorney, or hearing officer for each such matter identified in paragraph (2), and (4) any other information reasonably necessary to enable the parties to screen for bias and possible conflict of interest. Within five court days of receipt of the list of proposed hearing officers, each party shall notify the dispute resolution organization of two names it has stricken, and the dispute resolution organization shall select the hearing officer from among those names not stricken by either party.

(c) ~~The licentiate shall have the right to a reasonable opportunity to voir dire the panel members and any hearing officer, and the right to challenge the impartiality of any member or hearing officer. Challenges to the impartiality of any member or hearing officer shall be ruled on by the presiding officer, who shall be the hearing officer if one has been selected~~ *Either party may challenge the hearing officer or any hearing panel member for bias by notifying the dispute resolution organization or IJRPO, respectively, in writing within five court days of receipt of the names of the individuals designated to serve in those roles. The other party shall have five court days from receipt of the written challenge to respond in writing to the dispute resolution organization or IJRPO, as appropriate. The dispute resolution organization or IJRPO, as appropriate, shall determine whether the person or persons challenged should be disqualified, and if so, appoint an alternate. At the hearing, the licentiate shall have the right to a reasonable opportunity to voir dire the panel members, and the right to challenge the impartiality of any panel member, notwithstanding that the panel member may have been designated to serve by the IJRPO. Challenges to the impartiality of any panel member shall be ruled on by the hearing officer*.

(d) The licentiate shall have the right to inspect and copy at the licentiate's expense any documentary information relevant to the charges which the peer review body has in its possession or under its control, ~~as soon as practicable after the~~ *immediately upon* receipt of the licentiate's request for a hearing. The peer review body shall have the right to inspect and copy at the peer review body's expense~~ any~~ *only* documentary information *directly* relevant to the charges which the licentiate has in his or her possession or control as soon as practicable after receipt of the peer review body's request. The failure by either party to provide access to this information at least 30 days before the hearing shall constitute good cause for a continuance. *In the case of a summary suspension, the failure to provide access to this information within 14 days of the request shall result in a continuance of the hearing and the summary suspension shall be lifted.* The right to inspect and copy by either party does not extend to confidential information referring solely to individually identifiable licentiates, other than the licentiate under review. The arbitrator or ~~presiding~~ *hearing* officer shall consider and rule

upon any request for access to information, and may impose any safeguards the protection of the peer review process and justice requires.

(e) When ruling upon requests for access to information and determining the relevancy thereof, the arbitrator or ~~presiding~~ *hearing* officer shall, among other factors, consider the following:

(1) Whether the information sought may be introduced to support or defend the charges.

(2) The exculpatory or inculpatory nature of the information sought, if any.

(3) The burden imposed on the party in possession of the information sought, if access is granted.

(4) Any previous requests for access to information submitted or resisted by the parties to the same proceeding.

(f) At the request of either side, the parties shall exchange lists of witnesses expected to testify and copies of all documents expected to be introduced at the hearing. Failure to disclose the identity of a witness or produce copies of all documents expected to be produced at least 10 days before the commencement of the hearing shall constitute good cause for a continuance.

(g) Continuances shall be granted upon agreement of the parties or by the arbitrator or ~~presiding~~ *hearing* officer on a showing of good cause.

(h) A hearing under this section shall be commenced within 60 days after receipt of the request for hearing, and the ~~peer review process shall be completed within a reasonable time, after a licentiate receives notice of a final proposed action or an immediate suspension or restriction of clinical privileges~~ *hearing shall be complete within 45 days of its commencement*, unless the ~~arbitrator or presiding officer issues a written decision finding that the licentiate failed to comply with subdivisions (d) and (e) in a timely manner, or consented to the delay~~ *time period is extended by the arbitrator or hearing officer after a showing of good cause*.

SEC. 4. Section 809.3 of the Business and Professions Code is amended to read:

809.3. (a) During a hearing concerning a final proposed action for which ~~reporting~~ *a report* is required to be filed under Section 805, both parties shall have all of the following rights:

(1) To be *represented by a person of the party's choice at the party's expense. The peer review body shall not be represented by an attorney where the licentiate is not so represented.*

(2) To be provided with all of the information made available to the trier of fact*, including a declaration affirming that the information is complete and that there was no additional information considered and no ex parte communication with any arbitrator, hearing officer, or panel member*.

~~(2)~~

(3) To have a record made of the proceedings, copies of which may be obtained by the licentiate upon payment of any reasonable charges associated with the preparation thereof.

~~(3)~~

(4) To call, examine, and cross-examine witnesses.

~~(4)~~

(5) To present and rebut evidence determined by the arbitrator or presiding officer to be relevant.

~~(5)~~

(6) To submit a written statement at the close of the hearing.

(b) The burden of presenting evidence and proof during the hearing shall be as follows:

(1) The peer review body shall have the initial duty to present evidence which supports the charge or recommended action.

(2) Initial applicants shall bear the burden of persuading the trier of fact by a preponderance of the evidence of their qualifications by producing information which allows for adequate evaluation and resolution of reasonable doubts concerning their current qualifications for staff privileges, membership, or employment. Initial applicants shall not be permitted to introduce information not produced upon request of the peer review body during the application process, unless the initial applicant establishes that the information could not have been produced previously in the exercise of reasonable diligence.

(3) Except as provided above for initial applicants, the peer review body shall bear the burden of persuading the trier of fact by a preponderance of the evidence that the action or recommendation is reasonable and warranted.

(c) ~~The peer review body shall adopt written provisions governing whether a licentiate shall have the option of being represented by an attorney at the licentiate's expense. No peer~~

~~review body shall be represented by an attorney if the licentiate is not so represented, except dental professional society peer review bodies may be represented by an attorney provided that the peer review body grants each licentiate the option of being represented by an attorney at the licentiate's expense, even if the licentiate declines to be represented by an attorney~~ *Minutes of meetings of the peer review body or any of its committees shall be considered hearsay and shall not be used to prove the truth of the matters stated therein except to establish the procedural history of the case including the fact that determinations were made or actions were taken. Minutes may not substitute as testimony regarding substantive charges against the licentiate*.

SEC. 5. Section 809.4 of the Business and Professions Code is amended to read:

809.4. (a) Upon the completion of a hearing concerning a final proposed action for which a report is required to be filed under Section 805, the licentiate and the peer review body involved have the right to receive all of the following:

(1) A written decision of the trier of fact*, which shall be issued within 60 days after completion of the hearing*, including findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached.

(2) A written explanation of the procedure for appealing the decision, if any appellate mechanism exists.

(b) *Where the trier of fact concludes that disciplinary action is not necessary to protect patient safety if appropriate training is completed, the decision may include a stay, contingent upon the licentiate's successful completion of specified training pursuant to the Clinical Improvement Program as set forth in Section 2197.5. If a stay is granted, no disciplinary action may be reported under Section 805 based on the decision of the trier of fact and during the period of the stay. The appeal rights of both parties shall be stayed during the period a licentiate is participating in the Clinical Improvement Program pursuant to the decision of the trier of fact. If the licentiate successfully completes the Clinical Improvement Program, no report shall be made under Section 805 based on the decision of the trier of fact.*

(c) If an appellate mechanism is provided, it need not provide for de novo review, but it shall include the following ~~mimimum~~ *minimum* rights for both parties*, as applicable*:

(1) The right to appear and respond.

(2) The right *of the licentiate* to be represented by an attorney or any other representative designated by the ~~party~~ *licentiate*.

(3) *The right to have the appellate body advised or otherwise represented by an attorney who has not directly or through any law firm affiliation represented either party, or any affiliate, subsidiary, or other relation of either party.*

(4) The right of the medical staff to be represented by an attorney or any other representative designated by the medical staff who has not directly or through any law firm or other affiliation represented, advised, or otherwise assisted the appellate body in any matter.

(5) The right to receive the written decision of the appellate body *not more than 60 days after receipt of the hearing panel's decision*.

SEC. 6. Section 809.5 of the Business and Professions Code is amended to read:

809.5. (a) Notwithstanding Sections 809 to 809.4, inclusive, a peer review body may immediately suspend or restrict clinical privileges of a licentiate where the failure to take that action may result in an imminent danger to the health of any individual, provided that the licentiate is subsequently provided with the notice and hearing rights set forth in Sections 809.1 to 809.4, inclusive, or, with respect to organizations specified in Section 809.7, with the rights specified in that section.

(b) *A licentiate subject to a summary suspension or restriction shall, upon request and prior to the hearing on the final proposed action, be entitled to a hearing pursuant to the rights set forth in Sections 809.1 to 809.4, inclusive, on whether the failure to take that action may result in an imminent danger to the health of any individual. The hearing panel shall lift the summary suspension or restriction immediately upon finding that the facts alleged in the notice of charges do not provide a reasonable basis for concluding that the licentiate presents an imminent danger to the health of any individual.*

(c) When no person authorized by the peer review body is available to summarily suspend or restrict clinical privileges

under circumstances specified in subdivision (a), the governing body of an acute care hospital, or its designee, may immediately suspend a licentiate's clinical privileges if a failure to summarily suspend those privileges is likely to result in an imminent danger to the health of any individual, provided the governing body of the acute care hospital has, before the suspension, made reasonable attempts to contact the peer review body. A suspension by the governing body of an acute care hospital which has not been ratified by the peer review body within two working days, excluding weekends and holidays, after the suspension shall terminate automatically.

SEC. 7. Section 809.10 is added to the Business and Professions Code, to read:

809.10. (a) An Independent Judicial Review Panel Organization (IJRPO) shall be a non-profit organization approved by the Division of Medical Quality of the Medical Board of California meeting all of the following criteria:

(1) It has no ownership interest in and is not involved in the operation of a health facility or health care service plan, or in the delivery of health care services to patients.

(2) It has provided review of and consultation to hospital medical staffs with respect to their quality improvement and peer review activities for the prior three years.

(3) It maintains an available panel of California-licensed healing arts practitioners to serve as hearing panel members in at least one licensure category of licentiate who are credentialed by the IJRPO and who participate at least annually in a formal educational training program provided by the IJRPO.

(4) It maintains internal quality management programs to evaluate the performance of its credentialed healing arts practitioners and engages in continuing quality improvement activities as appropriate.

(b) Within 10 calendar days of receiving a request to designate a hearing panel, the IJRPO shall designate a fair and impartial panel of healing arts practitioners qualified to evaluate, and which shall hear, the charges against the licentiate as specified in Section 809.2. The IJRPO shall also specify a date, which date is no more than 30 days after the IJRPO's receipt of the request for the hearing, when the hearing panel is available to hear the matter. A copy of each designated healing

arts practitioner's curriculum vitae shall accompany the designation along with any other information reasonably necessary to enable the parties to screen for bias and possible conflict of interest pursuant to Section 809.2.

(c) The IJRPO shall monitor the licentiate's progress in a clinical improvement program pursuant to Section 2197.5 on an ongoing basis. Upon successful completion of the training program, the program shall notify the IJRPO of that success.

(d) If the licentiate either fails to complete the program for any reason that cannot be excused by a showing of good cause, the program shall notify the IJRPO of that failure and provide recommendations for future action. In those cases, where the licentiate is the subject of a decision recommending disciplinary action pursuant to Section 809.4 that has been stayed pending successful completion of the specified training program, the peer review body, upon receiving notification from the IJRPO that the licentiate has failed to complete the program, shall notify the licentiate that the basis for the stay no longer exists, and the peer review body may impose the recommended disciplinary action.

(e) The IJRPO shall have the right to establish and collect reasonable fees for its services. Fees incurred for IJRPO services provided in connection with hearing panels convened pursuant to Section 809.2 shall be the sole responsibility of the peer review body or its associated entity. Fees incurred in connection with the Clinical Improvement Program shall be the sole responsibility of the licentiate.

(f) An IJRPO, its employees, and its contracted hearing panel members shall have the immunity of judicial officers from civil liability when acting pursuant to Sections 809 to 809.13, inclusive. The immunity afforded by this section shall supplement, and not supplant, any otherwise applicable common law or statutory immunity.

SEC. 8. Section 809.13 is added to the Business and Professions Code, to read:

809.13. Dispute resolution organizations in the business of providing arbitrators, mediators, and other neutrals may be utilized by peer review bodies under Sections 809 to 809.10, inclusive, only if those organizations meet appropriate standards.

SEC. 9. Section 2197.5 is added to the Business and Professions Code, to read:

2197.5. (a) Each physician and surgeon who participates in the Clinical Improvement Program as a result of a request by that physician and surgeon pursuant to a decision by a hearing panel rendered pursuant to Section 809.4 shall agree to cooperate with the specified training program, and shall further agree that any failure to successfully complete the training program will result in the lifting of the stay of disciplinary action recommended by the hearing panel and imposition of the discipline subject to any right of appeal that has not already been exhausted.

(b) Any physician and surgeon who participates in the Clinical Improvement Program shall agree that any failure to successfully complete the program may result in the filing of a notice of charges by the peer review body or an accusation for discipline by the board that may include any acts giving rise to the original referral. For any physician and surgeon participating in a program, the time limit for filing an accusation under Section 2230.5 shall be tolled from the date on which the division requests the physician and surgeon to participate in the program until the date that the division is notified by the IJRPO that the physician and surgeon failed to successfully complete the program.

(c) Upon determination by the IJRPO that the physician and surgeon has successfully completed the specified training program, the IJRPO shall notify the referral source of that fact, and shall purge and destroy all records pertaining to the physician and surgeon's participation in the Clinical Improvement Program. Upon receipt of notice from the IJRPO that the physician has successfully completed the specified training program, the referral source shall purge and destroy all records pertaining to the physician and surgeon's referral to or participation in the Clinical Improvement Program.

(d) Any physician and surgeon who successfully completes the Clinical Improvement Program shall not be subject to any disciplinary actions by the peer review body or the Medical Board for any alleged violations that resulted in referral to the Clinical Improvement Program. Participation in the program shall not, however, preclude the division from investigating or continuing to investigate, or from taking or continuing to take any disciplinary action against, any physician and surgeon for

any unprofessional conduct not serving as a basis for referral to the Clinical Improvement Program that was committed during or after participation in the Clinical Improvement Program.

(e) Except for disclosures to the division and the referral sources under this section and Section 809.10, an IJRPO shall not disclose information obtained in the performance of its administrative responsibilities for the Clinical Improvement Program or pursuant to 809.10 that individually identifies patients, participants in the Clinical Improvement Program, individual health professionals, peer review bodies, their committees or members, or individual health facilities. Neither the proceedings nor the records of an IJRPO, nor the proceedings and records of any assessment or training program to the extent it is providing services to a physician and surgeon participating in the Clinical Improvement Program, related to performance of clinical improvement activities pursuant to this section or Section 809.10 shall be subject to discovery, nor shall the records or proceedings be admissible in a court of law. The prohibition relating to discovery and admissibility of records and proceedings do not apply to any physician and surgeon participating in the Clinical Improvement Program who contests a determination of failure to complete the program.

~~805.2. (a) It is the intent of the Legislature to provide for a comprehensive study of the peer review process as it is conducted by peer review bodies defined in paragraph (1) of subdivision (a) of Section 805, in order to evaluate the continuing validity of Section 805 and Sections 809 to 809.8, inclusive, and their relevance to the conduct of peer review in California. The Medical Board of California shall contract with the Institute for Medical Quality to conduct this study, which shall include, but not be limited to, the following components:~~

~~(1) A comprehensive description of the various steps of and decisionmakers in the peer review process as it is conducted by peer review bodies throughout the state, including the role of other related committees of acute care health facilities and clinics involved in the peer review process.~~

~~(2) A survey of peer review cases to determine the incidence of peer review by peer review bodies, and whether they are complying with the reporting requirement in Section 805.~~

~~(3) A description and evaluation of the roles and performance of various state agencies, including the State Department of Health Services and occupational licensing agencies that regulate healing arts professionals, in receiving, reviewing, investigating, and disclosing peer review actions, and in sanctioning peer review bodies for failure to comply with Section 805.~~

~~(4) An assessment of the cost of peer review to licentiates and the facilities which employ them.~~

~~(5) An assessment of the time consumed by the average peer review proceeding, including the hearing provided pursuant to Section 809.2, and a description of any difficulties encountered by either licentiates or facilities in assembling peer review bodies or panels to participate in peer review decisionmaking.~~

~~(6) An assessment of the need to amend Section 805 and Sections 809 to 809.8, inclusive, to ensure that they continue to be relevant to the actual conduct of peer review as described in paragraph (1), and to evaluate whether the current reporting requirement is yielding timely and accurate information to aid licensing boards in their responsibility to regulate and discipline healing arts practitioners when necessary, and to assure that peer review bodies function in the best interest of patient care.~~

~~(7) Recommendations of additional mechanisms to stimulate the appropriate reporting of peer review actions under Section 805.~~

~~(8) Recommendations regarding the Section 809 hearing process to improve its overall effectiveness and efficiency.~~

~~(b) The Institute of Medical Quality shall exercise no authority over the peer review processes of peer review bodies. However, peer review bodies, health care facilities, health care clinics, and health care service plans shall cooperate with the institute and provide data, information, and case files as requested in the timeframes specified by the institute.~~

~~(c) The institute shall work in cooperation with and under the general oversight of the Medical Director of the Medical Board of California and shall submit a written report with its findings and recommendations to the board and the Legislature no later than November 1, 2006.~~

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