

Patient Logs vs. Patient Records: Court Discusses Quality Review Confidentiality.

The parents sued the hospital claiming that medical and nursing negligence in the neonatal intensive care unit (NICU) leading to repeated episodes of hypoxia and ischemia resulted in permanent brain injuries to their child.

The underlying allegations of negligence leveled against the hospital have not yet been decided in a court of law.

The preliminary issue recently discussed by the Court of Appeals of Texas was the scope of pre-trial discovery that would be permitted to allow the parents' attorneys to build their case against the hospital from records made and kept by the hospital.

Admissions Logs Are Confidential Quality Review / Peer Review

The court ruled the hospital would not be required to cull its admissions logs for the NICU to garner statistics showing the number of <1000 gm infants admitted, the number of such infants transferred to other facilities and the number who were not transferred and died at the hospital.

The admission logs were kept at the behest of the Joint Commission solely for internal quality review. They are privileged from discovery in civil litigation.

Patients' Charts Not Covered By Quality Review / Peer Review Privilege

On the other hand, to the extent it would not be unduly burdensome to the hospital and if patients' actual identities are protected, it would not be out of line for the parents' attorneys to ask the judge to order the hospital to compile the same data from patients' hospital charts for the same time frame in question.

Patients' charts are covered by medical confidentiality but they are not covered by the privilege of confidentiality which applies to quality review and peer review documents. **In re Christus Health Southeast Texas, 2006 WL 302229 (Tex. App., February 9, 2006).**