

HCS HB 1280 -- PEER REVIEW FOR CERTAIN DESIGN PROFESSIONALS

SPONSOR: Brandom (Korman)

COMMITTEE ACTION: Voted "do pass" by the Committee on Professional Registration and Licensing by a vote of 11 to 7.

This substitute establishes a peer review process through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The substitute specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials developed from the peer review process that are privileged and not subject to discovery, subpoena, or other legal compulsion. The provisions of the substitute cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of confidential information developed outside the peer review process when conducting investigations regarding licensure.

Sealed final design documents released by the design professional for use in construction are discoverable, and the design professional who prepared and sealed the final documents will be fully responsible for their content in accordance with state law.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that peer review is an important process providing an evaluation of design concepts for safety and quality control. It is becoming extremely difficult to find design professionals to participate in the peer review process without establishing certain immunities from liability.

Testifying for the bill were Representative Korman; Bill Quatman; Missouri Society of Professional Engineers; American Institute of Architects of Missouri; and Missouri Association of Landscape Architects.

OPPOSERS: Those who oppose the bill say that the peer review process is not very successful and there is a need for disclosure. Peer review acts as a bar to discovery when there needs to be a thorough review. Peer reviewers need to be held accountable.

Testifying against the bill was Missouri Association of Trial Attorneys.