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Legal Protection of Participants in Peer Review

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The analysis of patient safety issues presents opportunities for health systems to develop safer systems of care for patients. Protecting quality improvement/quality assurance (QI/QA) activities from legal discovery constitutes an indispensable component of supporting patient safety. Such legal protections promote a culture of openness where potential medical risks and errors can be discussed in pursuit of broader patient safety initiatives.

- The American College of Emergency Physicians (ACEP) supports the passage and strengthening of state laws that provide QI/QA activities with legal protections, including shielding QI/QA materials from legal discovery and participants from testifying about QI/QA activities. These types of activities include Morbidity & Mortality Conference (M&M), Root Cause Analysis (RCA), Peer Review, and similar activities. Protected materials should also include resulting changes to hospital policy, procedures, or guidelines.
- ACEP supports a broad interpretation of protections surrounding the discovery of adverse event reporting, QI/QA activities, and peer review when intended to improve patient safety.
- If legal restrictions exist within states regarding the limits of discovery protections afforded to QI/QA activities, state legislative bodies and regulatory agencies should provide clear guidance to health systems regarding the delineation of protected from discoverable review activities.