

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 0220, Page 3, Section 516.098, Line 6,
by inserting immediately after said line the following:

“537.033. 1. As used in this section, unless the context clearly indicates otherwise, the
following words shall mean:

(1) "Design professional", an architect, landscape architect, professional land surveyor or
professional engineer, licensed under the provisions of chapter 327 or any corporation authorized
to practice architecture, landscape architecture, land surveying, or engineering under section
327.401 while acting within his or her scope of practice;

(2) "Peer review process", a process through which design professionals evaluate,
maintain, or monitor the quality and utilization of architectural, landscape architectural, land
surveying or engineering services, prepare internal lessons-learned, or exercise any combination
of such responsibilities.

2. A peer review process may be performed by the following, each of whom shall be
deemed a peer reviewer:

(1) An individual design professional or committee of design professionals appointed by a
state, county or local society of design professionals;

(2) An individual design professional or committee of design professionals appointed by
the partners, shareholders, or employed design professionals of a partnership or of a corporation
authorized under section 327.401;

(3) Any individual design professional or committee of design professionals appointed by
the partners, board of directors, chief executive officer, or the quality control director of a

1 partnership or a corporation authorized under section 327.401 to practice architecture, landscape
2 architecture, land surveying, or engineering, or by the owner of a sole proprietorship engaged in
3 one or more of such professions.

4 3. Each peer reviewer, member of a peer review committee, and each person, corporate
5 director, partner, quality control director, or other design professional who testifies before, or
6 provides information to, acts upon the recommendation of, or otherwise participates in the
7 operation of, such a process shall be immune from civil liability for such acts so long as the acts
8 are performed in good faith, without malice, and are reasonably related to the scope of inquiry of
9 the peer review process.

10 4. Except as otherwise provided in this section, the interviews, memoranda, proceedings,
11 findings, deliberations, reports, and minutes of the peer review process, or the existence of the
12 same, concerning the professional services provided to a client or member of the public are
13 privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for
14 their release to any person or entity or be admissible into evidence in any judicial or
15 administrative action for failure to provide appropriate architectural, landscape architectural, land
16 surveying, or engineering services. Except as otherwise provided in this section, no person who
17 was in attendance at or participated in any peer review process or proceedings shall be permitted
18 or required to disclose any information acquired in connection with or in the course of such
19 proceeding, or to disclose any opinion, recommendation, or evaluation of the peer reviewer or any
20 member of a peer review committee; provided, however, that information otherwise discoverable
21 or admissible from original sources shall not be construed as immune from discovery or use in
22 any proceeding merely because it was presented during proceedings before a peer reviewer, nor
23 shall a member, employee, or agent involved in any such process, or other person appearing
24 before a peer reviewer be prevented from testifying as to matters within his or her personal
25 knowledge and in accordance with the other provisions of this section; except that, such witness
26 shall not be questioned about testimony or other proceedings before any peer review process or

1 peer reviewer or about opinions formed as a result of such process. The disclosure of any
2 interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or
3 entity, including but not limited to governmental agencies, professional accrediting agencies, or
4 other design professionals, whether proper or improper, shall not waive or have any effect upon its
5 confidentiality, nondiscoverability, or nonadmissibility.

6 5. Nothing in this section shall limit authority otherwise provided by law of the Missouri
7 board for architects, professional engineers, professional land surveyors and landscape architects
8 to obtain information by subpoena or other authorized process from a peer reviewer or to require
9 disclosure of otherwise confidential information developed outside of the peer review process
10 which relate to matters and investigations within the jurisdiction of such licensing board.”; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.
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