

**311.619 Confidentiality and privileged status of program's records.**

- (1) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the program formed under KRS 311.616, as well as all communications to or from the program, and any findings, conclusions, interventions, treatment, or rehabilitation, or other proceedings of the program which in any way pertain or refer to a physician who may be, or who is actually, impaired shall be privileged and confidential.
- (2) All records and proceedings of the program which pertain or refer to a physician who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the program and its members only in the exercise of the proper function of the program and shall not be considered public records nor shall they be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as described in subsection (3) of this section.
- (3) The program may disclose information relative to an impaired physician only:
  - (a) When it is essential to disclose such information to further the intervention, treatment, or rehabilitation needs of the impaired physician, and then only to those persons or organizations with a need to know;
  - (b) When its release is authorized in writing by the impaired physician; or
  - (c) When the program is required to make a report to the board.
- (4) The program shall report any suspected violation of KRS 311.595 to the board.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 130, sec. 22, effective July 15, 2002. -- Created 1994 Ky. Acts ch. 190, sec. 17, effective July 15, 1994.