

Court of Appeals, State of Michigan

ORDER

Shalina Purifoy v Henry Ford Hospital

Docket No. 276981

LC No. 05-536542-NH

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Brian K. Zahra
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the March 23, 2007, order of the Wayne County Circuit Court is REVERSED because the trial court erred in ordering production of a redacted portion of the hospital's Quality Management Report. "All the peer review communications are protected from discovery and use in any form of legal proceedings." *Feyz v Mercy Memorial Hospital*, 475 Mich 663, 685; 719 NW2d 1 (2006). The affidavits submitted by the hospital below indicate that the statement regarding the fall of plaintiff's decedent given by Nurse Monique Miller is contained in the Quality Management Report, which was submitted to the hospital's peer review committee. Thus, the information sought by plaintiff is protected from disclosure under MCL 333.20175(8) and MCL 333.21515. See *Dorris v Detroit Osteopathic Hospital*, 460 Mich 26; 594 NW2d 455 (1999); *Ligouri v Wyandotte Hospital*, 253 Mich App 372; 655 NW2d 592 (2002); *Gallagher v Detroit-Macomb Hospital Association*, 171 Mich App 761; 431 NW2d 90 (1988). To the extent that the trial court relied upon *Centennial Healthcare Mgt Corp v Dept of Consumer & Industry Services*, 254 Mich App 275; 657 NW2d 746 (2002), this case does not involve the administrative rules regarding the collection of incident and accident information promulgated by the state agency responsible for regulating nursing homes.

The motion for stay is DENIED as moot.

The motion to seal the report is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 04 2007

Date

Sandra Schultz Mengel
Chief Clerk