

## COA Opinion: Doctor's privileging and credentialing file is protected from disclosure in discovery

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22. December 2010 By Jason Byrne

On December 21, 2010, the Court of Appeals published its *per curiam* opinion in [Johnson v. Detroit Medical Center, No. 293304](#). In this case the trial court had compelled the production of a physician's credentialing/privileging file maintained at a hospital. In reviewing this decision, the Court of Appeals focused on the Public Health Code (MCL §333.21501 *et. seq.*) and noted that hospitals are mandated to keep these files to ensure that doctors have the proper credentials and are granted hospital privileges commensurate with those credentials. The Court also noted that the Code treats these records as confidential as they "shall" only be used for the specific purposes spelled out in the Code. Therefore, the Court of Appeals found that the Code "clearly and unambiguously prohibits discovery of [the doctor's] privileging and credentialing file."