**Hospital Facility Self-Critical Analysis Privilege Upheld**

**By the New Jersey Supreme Court**

In July 2018, the New Jersey Supreme Court ruled in Janelle Brugaletta v. Calixto Garcia, D.O., Case No. 079056, that a hospital may withhold sections of its self-critical analysis of a former patient in a medical malpractice lawsuit.  However, the facility may be required to provide a narrative dealing with the underlying information regarding treatment.  The Supreme Court affirmed the Appellate Division ruling regarding N.J.S.A. 26:2H-12.25, known as  the Patient Safety Act. Notably, the legislature "inserted no role for a trial court to play in reviewing” the Serious Preventable Adverse Event ("SPAE")  determination made by a patient safety committee of a health care facility and that "the finding that an event is not reportable does not abrogate the self-critical-analysis privilege."  Regardless of the conclusions reached, application of the privilege to documents developed through self-critical analysis "is an integral part of the legislative scheme on which courts should be wary to transgress."  However, considering the thousands of pages of medical records in the case, on remand, the trial court was instructed to order the medical center to provide plaintiff with a narrative to accompany those documents and pinpoint the underlying information regarding the SPAE.  This instruction to compel a narrative from the Medical Center was referred to as  “as a means for balancing the litigation interests in this matter, promoting a fair trial, and securing the public policies inherent in the maintenance of a strong self-critical-analysis privilege" under the Patient Safety Act .