

INFORMATION PAPER

MCJA

16 February 2007

SUBJECT: Identifying Quality Assurance Information under 10 USC §1102.

1. **Purpose.** To provide guidance on identifying Quality Assurance Information (QAI).

2. **Definitions.**

a. **QA Program** means any activity by or for the DoD to assess the quality of medical care. This includes activities such as credentials, infection control, patient care assessment, medical records, health resources management review, and identification and prevention of medical or dental incidents and risks (Risk Management, Patient Safety, and Incident Reports). 10 USC §1102 (j)(1).

b. **QA Information** means the proceedings, records, minutes, and reports that derive from healthcare QA program activities and are produced or compiled as part of a healthcare QA program. *DL1.1.39 of DoD 6025.13-R and 10 USC §1102 (j)(2).*

3. **Legend.** To properly identify QAI, Appendix B-9 of AR 40-68 requires the following legend to be included on all QA documents:

Quality Assurance Document under 10 USC §1102. Copies of this document, enclosures thereto, and information therefrom will not be further released under penalty of the law. Unauthorized disclosure carries a statutory penalty of not more than \$3,000 in case of a first offense and not more than \$20,000 in the case of a subsequent offense. In addition to these statutory penalties, unauthorized disclosure may lead to unfavorable actions under the UCMJ and/or adverse administrative action, including separation from military or civilian service.

AR 40-68 requires inclusion of the legend prior to release of the document; however, we recommend placing the legend on all qualified documents when created. Because the legend appears in quotations, and is required under the regulation, we also recommend using the legend in its entirety, as written above and in Appendix B of AR 40-68.

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