

HB 1061 -- Patient Safety and Medical Errors

Sponsor: Cooper (155)

This bill requires hospitals to report certain patient safety incidents to a patient safety organization no later than the close of business on the next business day after the incident is discovered. In its main provisions, the bill:

(1) Defines "identifiable information," "nonidentifiable information," "patient safety organization," "patient safety work product," "reportable incident," "reportable incident prevention plan," "root cause analysis," and "serious reportable event in health care";

(2) Requires the hospital's initial report to include actions taken to minimize the risk of harm to patients and prevent a reoccurrence;

(3) Requires the hospital to submit a completed root cause analysis and reportable incident prevention plan to the patient safety organization within 20 days;

(4) Requires the patient safety organization to forward the incident report, description of immediate actions taken, root cause analysis, and reportable incident prevention plan to the Department of Health and Senior Services;

(5) Requires the department to investigate the incident, determine if the hospital's response and plan are sufficient to reduce the risk of future incidents, and ensure that the plan is being followed and the results are reviewed. The department must also periodically review the patient safety organization regarding report submissions and reviews;

(6) Specifies that the department can charge a fee for investigating and responding to incident reports;

(7) Specifies that if a reportable incident is disclosed and an incident prevention plan and root cause analysis are submitted and approved by the department, the incident will not be considered grounds for licensure deficiency;

(8) Requires the department to consult with patient safety organizations and hospital representatives to establish criteria to identify cases in which reportable incidents have occurred in a hospital with a frequency or possible pattern of negative outcomes that require departmental intervention to protect the public. The department can impose license sanctions against hospitals based on the reportable incidents as specified in the

bill;

(9) Requires the patient safety center to work with the department to publish an annual report on reportable incidents;

(10) Specifies that a hospital can report other adverse events to a patient safety organization and the department and these reports will be subject to the same protections and requirements as reportable incidents;

(11) Specifies that actions, decisions, proceedings, discussions, or deliberations occurring at a patient safety organization meeting will not be disclosed, except to carry out the purposes of the organization;

(12) Specifies that a patient safety work product is privileged and confidential and will not be disclosed for any purpose including any criminal, civil, or administrative proceeding;

(13) Prohibits the discovery, disclosure, or admission into evidence of a patient safety work product. If the product is admitted into evidence, it constitutes grounds for a mistrial or similar termination of the proceeding;

(14) Requires a patient safety organization to create educational and evidence-based information that providers can use to improve care; and

(15) Specifies that a provider furnishing services to a patient safety organization will not be liable for civil damages unless the act, omission, decision, or other conduct is done with malice, fraudulent intent, or in bad faith.