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SENATE BILL 6247

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State of Washington

61st Legislature

2010 Regular Session

By Senator Keiser

Read first time 01/11/10. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to penalties for violating requirements concerning  
2 reporting adverse health events; amending RCW 70.56.020; adding a new  
3 section to chapter 70.56 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.56.020 and 2009 c 495 s 12 are each amended to read  
6 as follows:

7 (1) The legislature intends to establish an adverse health events  
8 and incident notification and reporting system that is designed to  
9 facilitate quality improvement in the health care system, improve  
10 patient safety, assist the public in making informed health care  
11 choices, and decrease medical errors in a nonpunitive manner. The  
12 notification and reporting system shall not be designed to punish  
13 errors by health care practitioners or health care facility employees.

14 (2)(a) When a medical facility confirms that an adverse event has  
15 occurred, it shall submit to the department of health:

16 ((+a)) (i) Notification of the event, with the date, type of  
17 adverse event, and any additional contextual information the facility  
18 chooses to provide, within forty-eight hours; and

19 ((+b)) (ii) A report regarding the event within forty-five days.

1       **(b)** The notification and report shall be submitted to the  
2 department using the internet-based system established under RCW  
3 70.56.040(2) if the system is operational.

4       (c) A medical facility may amend the notification or report within  
5 sixty days of the submission.

6       (3) The notification and report shall be filed in a format  
7 specified by the department after consultation with medical facilities  
8 and the independent entity if an independent entity has been contracted  
9 for under RCW 70.56.040(1). The format shall identify the facility,  
10 but shall not include any identifying information for any of the health  
11 care professionals, facility employees, or patients involved. This  
12 provision does not modify the duty of a hospital to make a report to  
13 the department of health or a disciplinary authority if a licensed  
14 practitioner has committed unprofessional conduct as defined in RCW  
15 18.130.180.

16       (4) As part of the report filed under subsection (2)~~((b))~~ (a)(ii)  
17 of this section, the medical facility must conduct a root cause  
18 analysis of the event, describe the corrective action plan that will be  
19 implemented consistent with the findings of the analysis, or provide an  
20 explanation of any reasons for not taking corrective action. The  
21 department shall adopt rules, in consultation with medical facilities  
22 and the independent entity if an independent entity has been contracted  
23 for under RCW 70.56.040(1), related to the form and content of the root  
24 cause analysis and corrective action plan. In developing the rules,  
25 consideration shall be given to existing standards for root cause  
26 analysis or corrective action plans adopted by the joint commission on  
27 accreditation of health facilities and other national or governmental  
28 entities.

29       ~~((If, in the course of investigating a complaint received from  
30 an employee of a medical facility, the department determines that the  
31 facility has not provided notification of an adverse event or  
32 undertaken efforts to investigate the occurrence of an adverse event,  
33 the department shall direct the facility to provide notification or to  
34 undertake an investigation of the event.))~~ If the department determines  
35 that a medical facility has failed to provide notification of or a  
36 report regarding any adverse event in compliance with subsection (2)(a)  
37 of this section, the department must assess a civil penalty not to

1 exceed one thousand dollars per violation per day against the medical  
2 facility for each day the medical facility is not in compliance with  
3 these notification or reporting requirements.

4 (6) The protections of RCW 43.70.075 apply to notifications of  
5 adverse events that are submitted in good faith by employees of medical  
6 facilities.

7 NEW SECTION. Sec. 2. A new section is added to chapter 70.56 RCW  
8 to read as follows:

9 Proceedings for imposing or challenging civil penalties under this  
10 chapter are governed by the provisions of the administrative procedure  
11 act, chapter 34.05 RCW.

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