

SENATE BILL REPORT

SB 5540

As Reported By Senate Committee On:
Health & Long-Term Care, February 2, 2000

Title: An act relating to the disclosure of information obtained by the department of health related to meeting licensing standards in hospitals.

Brief Description: Concerning the public disclosure of department of health information received through the hospital licensing process.

Sponsors: Senators Deccio, Wojahn and Thibaudeau; by request of Department of Health.

Brief History:

Committee Activity: Health & Long-Term Care: 2/8/99, 3/1/99 [DPS]; 1/13/00, 2/2/00 [DP2S].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Second Substitute Senate Bill No. 5540 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Staff: Joan K. Mell (786-7447)

Background: Current law precludes the Department of Health from disclosing publicly identifying information it obtains on hospitals it licenses. Hospitals have quality improvement committees within the hospital that review procedures and cases for the purposes of improving the quality of care and preventing malpractice. The law protects these processes from discovery in litigation. Medical professionals argue the benefit of quality improvement committees would be lost if providers thought their honest and sometimes critical assessments could be discovered and used against them in litigation. In some cases involving public hospitals, peer review and quality improvement information may be available under public disclosure laws because currently there is not a public disclosure exception for peer review or quality improvement information in public hospitals. Further, interpretations of the law may permit disclosure of peer review or quality improvement information once it has been provided to the Department of Health.

Recent media coverage has drawn attention to a report authored by the National Academy of Sciences Institute of Medicine. The report estimates between 44,000 and 98,000 deaths every year related to medical mistakes. The committee recommended government require hospitals and other health organizations report all serious mistakes to government agencies. At the same time it recommended disclosure of serious events in hospitals, the committee recommended legislation to extend peer review protections to data related to patient safety and quality improvement. Prior to this report, the Department of Health started receiving required event notification— from hospitals.

Summary of Second Substitute Bill: Department of Health information on hospitals obtained pursuant to its licensing authority may be disclosed through public disclosure. Licensing inspections or complaint investigations cannot be disclosed for three days after the hospital receives the department's assessment report. Administrative action information is disclosable after the hospital has received the documents initiating the administrative action.

The department is authorized to audit quality improvement and peer review information from the hospital's internal review processes.

Second Substitute Bill Compared to Substitute Bill: An individual complainant may receive information on other like complaints reported against the hospital. Information must not disclose individual's names. Event notification must be disclosed as part of department inspections or investigations of hospitals.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Public disclosure is consistent with Department of Health practices relative to professional licensing. Agreement on the conditions of disclosures have been worked on with the hospitals extensively, and they have agreed to the terms in the substitute.

Testimony Against: Event notification should be subject to public disclosure so the public knows about harm occurring in hospitals.

Testified: Patty Hayes, DOH (pro); Lisa Thatcher, WSHA (pro); Cliff Webster, WSMA (pro); Rowland Thompson, Allied Daily Newspapers.