

SENATE BILL REPORT

EHB 2254

As Reported By Senate Committee On:
Health & Long-Term Care, March 31, 2005

Title: An act relating to peer review committees and coordinated quality improvement programs.

Brief Description: Clarifying protections provided to quality improvement activities.

Sponsors: Representative Cody.

Brief History: Passed House: 3/15/05, 96-0.

Committee Activity: Health & Long-Term Care: 3/30/05, 3/31/05 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Deccio, Ranking Minority Member; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen.

Staff: Stephanie Yurcisin (786-7438)

Background: Hospitals must maintain quality improvement committees to improve the quality of health care services and prevent medical malpractice. Quality improvement proceedings review medical staff privileges and employee competency, collect information relating to negative health care outcomes, and conduct safety improvement activities. Provider groups and medical facilities other than hospitals are encouraged to conduct similar activities.

With some limited exceptions, information and documents created for or collected and maintained by a quality improvement committee are not subject to discovery, not admissible into evidence in any civil action, and are confidential and not subject to public disclosure. A person participating in a meeting of the committee or in the creation or collection of information for the committee may not testify in any civil action regarding the content of the committee proceedings or information created or collected by the committee.

A provision of law immunizes a health care provider who, in good faith, files charges or presents evidence against another provider before a regularly constituted review committee or board of a professional society or hospital on grounds of incompetency or misconduct. The proceedings and records of a review committee or board are not discoverable except in actions relating to the recommendation of the review committee or board involving restriction or revocation of the provider's privilege.

Summary of Bill: The review or disclosure of information and documents specifically created for, and collected and maintained by, quality improvement and peer review committees is prohibited unless there is a specific exception.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill is an effort to ensure that quality improvement committee protections are still in place even with the potential passage of an initiative that will be on the ballot this fall. It adds protection for quality improvement and peer review committees that do not exist statutorily. This allows open discussion without the fear of the information being released to the public, and provides the opportunity to candidly discuss bad outcomes and near misses. The public still retains access to the information that goes into the committee and that comes out of the committee, but does not have access to the inner workings of the committee. This bill is agreed to by the Washington State Hospitals Association and the Washington State Trial Lawyers.

Testimony Against: None.

Who Testified: PRO: Representative Cody, prime sponsor; Lisa Thatcher, Washington State Hospitals Association.