

HOUSE BILL REPORT

HB 1711

As Passed House:

March 11, 1999

Title: An act relating to the disclosure of hospital information.

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

Sponsors: Representatives Campbell, Cody, Boldt and Parlette.

Brief History:

Committee Activity:

Health Care: 3/1/99 [DP].

Floor Activity:

Passed House: 3/11/99, 95-0.

Brief Summary of Bill

- Information pertaining to complaint investigations involving a hospital, and administrative action taken against a hospital, is disclosable to the public.
- The Department of Health may review and audit records of hospital quality improvement committees and peer review committees, but such information is not subject to discovery.
- Information maintained by a hospital quality improvement and peer review committee is exempt from public disclosure.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 11 members: Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Staff: John Welsh (786-7133).

Background:

The Department of Health is responsible for licensing hospitals, which includes setting and monitoring quality standards, conducting site visits, and investigating and responding to patient complaints.

Under current law, the department may not release information about complaints, the results of site visits, including any other information about a hospital license unless a formal administrative action is taken against the license. This expressly includes the identity of the hospital or any individual. In practice, few administrative actions are ever initiated because the hospital is provided an opportunity to correct the problem resulting in the complaint. As a result, consumers and patients have virtually no access to information about a hospital's record.

By law, hospitals are required to maintain quality improvement committees to improve the quality of patient services and prevent medical malpractice. These committees oversee and coordinate quality improvement and medical malpractice prevention programs to ensure that the information is used to review and revise hospital policies and procedures. This information includes negative health outcomes and injuries to patients, patient grievances, malpractice awards, and causes of malpractice claims. While this information is not subject to discovery and cannot be introduced into evidence in legal civil actions, it is unclear whether it may be disclosed to the department pursuant to its regulatory responsibilities.

Information maintained by hospital quality improvement committees and professional peer review committees is not exempted from public disclosure. However, the same information for other health facilities is exempt.

Summary of Bill:

Information received by the Department of Health about a hospital will be made available to the public under the Public Disclosure Act, the law that applies to the disclosure of information held by state agencies. Information pertaining to site visits and complaint investigations may be disclosed three days after notification to the hospital of the results of the inspection or investigation. Information regarding administrative action against the hospital may be disclosed only after the hospital has received the documents initiating the administrative action.

The department, including hospital accrediting organizations, may review and audit the records of hospital quality improvement committees and professional peer review committees in connection with inspections and reviews of hospitals. Such information, however, is not subject to the discovery process and confidentiality must be respected. A hospital must produce and make accessible to the department appropriate records to facilitate the department's review and audit.

Information and documents maintained by hospital quality improvement committees or peer review committees are exempt from public disclosure.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (on HB 1217 - similar bill) The public should be informed about hospital complaint investigations and administrative actions taken against a hospital. The Department of Health needs access to information held by hospital quality improvement committees and peer review committees in order to protect the public safety, but this information, already immune from discovery at trials, should be exempt from public disclosure in order to encourage reporting of incidents and information for addressing quality issues and avoiding risks of malpractice.

Testimony Against: None.

Testified: (on HB 1217 - similar bill) (support) Ron Weaver, Department of Health; Kary Hyre, Long-term Care Ombudsman Program; Lisa Thatcher, Washington State Hospital Association; and Cliff Webster, Washington State Medical Association.

(with concerns) Rowland Thompson, Allied Daily Newspapers.