

# HOUSE BILL REPORT

## EHB 1711

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### As Passed Legislature

**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: 2/1/00, 2/4/00 [DP].

**Floor Activity:**

Passed House: 2/10/00, 97-0.

Passed Senate: 3/1/00, 46-0.

Passed Legislature.

### Brief Summary of Bill

- Licensing inspections and complaint investigations of the Department of Health must be disclosed no sooner than three days after the hospital has received the report.
- Administrative actions against a hospital must be disclosed after the hospital has received the documents.
- Information about complaints that do not warrant an investigation may only be disclosed to the complainant and hospital.
- Any complaint against a hospital, including event notification, that concerns patient well-being shall be investigated, except names of individuals may not be disclosed.
- The department and accreditation organizations may review records of quality improvement committees and peer review committees, but this information is not subject to discovery in court nor is disclosable.
- Hospitals must post notice of the department's hospital complaint telephone number.
- The department may adopt implementing rules.

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## HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 8 members: Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Campbell; Edmonds; Pennington and Ruderman.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Alexander; Conway; Edwards and Mulliken.

**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 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.

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**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 licensing inspections and complaint investigations may be disclosed three days after notifying 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 about complaints that do not warrant an investigation may only be disclosed to the complainant and the hospital investigated.

Any complaint against a hospital, including event notification, that concerns patient well-being shall be investigated, except that the names of individuals may not be disclosed.

Hospitals must post notice of the department's hospital complaint telephone number.

The department may adopt rules to implement the law.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Information regarding complaint investigations and administrative actions taken against a hospital should be disclosed to the public. The department, as the licensing authority, should be able to review and audit records of hospital quality improvement committees and peer review committees.

**Testimony Against:** (Original bill) The public and press should be able to access information about dangerous events reported to hospitals, and such information should not be exempt from disclosure. The public is being kept in the dark about hospital malpractice and a hospital's safety record and quality of care standards.

**Testified:** (In support) Patty Hayes, Department of Health; Lisa Thatcher, Washington State Hospital Association; and Cliff Webster, Washington State Medical Association.

(Opposed) Diana Kramer, Washington Newspaper Publishers; Ken Bunting, Seattle Post Intelligencer; Rufus Woods, Wenatchee Daily World; David Zeeck, Tacoma News Tribune; Tom Koenninger, Vancouver Columbian; and Rowland Thompson, Allied Daily News.