

# FINAL BILL REPORT

## EHB 1711

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Synopsis as Enacted

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

**Sponsors:** Representatives Campbell, Cody, Boldt and Parlette.

**House Committee on State Government**

**House Committee on Health Care**

**Senate Committee on Health & Long-Term Care**

### **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.

The department may not release information about complaints, the results of site visits, or any other information about a hospital license, including the identity of the hospital or any individual, unless a formal administrative action is taken against the licensee. 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 relative to its regulatory responsibilities.

### **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. Disclosure may not include disclosure of individual names.

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. This 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 responsibility for review and audit.

Information about complaints that do not warrant an investigation may only be disclosed to the complainant and to the hospital investigated.

Any complaint against a hospital, including event notification, that concerns patient well-being must be investigated.

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

The department may adopt rules to implement the act.

**Votes on Final Passage:**

House 97 0

Senate 46 0

**Effective:** June 8, 2000