

SENATE BILL REPORT

EHB 1711

As Reported By Senate Committee On:
Health & Long-Term Care, February 23, 2000

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 & Long-Term Care: 3/25/1999, 2/17/2000, 2/23/2000 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: 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, making it the eighth leading cause of death. 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 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. Individual names cannot be disclosed.

An individual complainant may obtain information about similar complaints that are not investigated that are similar in nature. All complaints and event notification required by hospitals must be investigated if they involve patient well-being.

The department is authorized to audit quality improvement and peer review information from the hospital's internal review processes, but peer review and quality improvement information cannot be disclosed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The department and other stakeholders have agreed upon the provisions in the bill.

Testimony Against: None.

Testified: Patty Hayes, DOH (pro).