
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1865

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Schual-Berke, Kenney, Haigh, Conway and Santos)

READ FIRST TIME 3/10/03.

1 AN ACT Relating to improving health care professional and health
2 care facility patient safety practices; adding a new section to chapter
3 7.70 RCW; adding new sections to chapter 43.70 RCW; adding new sections
4 to chapter 43.131 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that thousands of
7 patients are injured each year in the United States as a result of
8 medical errors, and that a more comprehensive approach than looking
9 only at the fault of individual practitioners is needed to effectively
10 reduce the incidence of medical errors in our health care system.
11 Incentives should be available to encourage health care providers,
12 facilities, and health carriers to engage in proven patient safety and
13 medical error reduction efforts. Investments in proven strategies can
14 reduce medical errors, and thereby potentially reduce the need for
15 disciplinary actions against licensed health care professionals and
16 facilities, and the frequency and severity of medical malpractice
17 claims. By authorizing contributions to fund proven patient safety and
18 medical error reduction strategies through a patient safety program,

1 the legislature intends to positively influence the safety and quality
2 of care provided in Washington state's health care system.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.70 RCW
4 to read as follows:

5 An injured claimant who receives a settlement or judgment in any
6 action for damages based upon injuries resulting from health care may
7 contribute a portion of that settlement or judgment to the department
8 of health for deposit into the patient safety account established in
9 section 5 of this act for the patient safety activities authorized in
10 section 3 of this act. Proceeds of the contributions will be
11 distributed by the department of health in the form of grants, loans,
12 or other appropriate arrangements to support strategies that have been
13 proven to reduce medical errors and enhance patient safety.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
15 to read as follows:

16 Proceeds from the contributions authorized in section 2 of this act
17 shall be administered by the department of health, in consultation with
18 established patient safety coalitions. Upon receipt of at least one
19 hundred thousand dollars in contributions under section 2 of this act
20 or grants or other funds under section 4 of this act, patient safety
21 proceeds will be distributed in the form of grants, loans, or other
22 appropriate arrangements to support strategies that have been proven to
23 reduce medical errors and enhance patient safety. In developing
24 criteria for the award of grants, loans, or other funding arrangements
25 under this section, the department shall:

- 26 (1) Consult with established patient safety coalitions and health
27 care workers engaged in direct patient care activities; and
- 28 (2) Rely heavily upon evidence-based practices that have been shown
29 to improve patient safety and have been identified and recommended by
30 governmental and private organizations, including but not limited to:
 - 31 (a) The federal agency for health care quality and research;
 - 32 (b) The federal institute of medicine;
 - 33 (c) The joint commission on accreditation of health care
34 organizations; and
 - 35 (d) The national quality forum.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW
2 to read as follows:

3 The secretary may solicit and accept grants or other funds from
4 public and private sources to support patient safety and medical error
5 reduction efforts under this act. Any grants or funds received may be
6 used to enhance these activities as long as program standards
7 established by the secretary are maintained.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
9 to read as follows:

10 The patient safety account is created in the custody of the state
11 treasurer. All receipts from contributions authorized in section 2 of
12 this act must be deposited into the account. Expenditures from the
13 account may be used only for the purposes of this act. Only the
14 secretary or the secretary's designee may authorize expenditures from
15 the account. The account is subject to allotment procedures under
16 chapter 43.88 RCW, but an appropriation is not required for
17 expenditures.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70 RCW
19 to read as follows:

20 By December 1, 2006, the department shall report the following
21 information to the governor and the health policy and fiscal committees
22 of the legislature:

23 (1) The amount of contributions deposited to date in the patient
24 safety account;

25 (2) The criteria for distribution of grants and loans under this
26 act; and

27 (3) A description of the medical error reduction and patient safety
28 grants and loans distributed to date, including their desired
29 objectives, activities, timelines, and any available information on
30 outcomes.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW
32 to read as follows:

33 The patient safety program shall be terminated December 31, 2008,
34 as provided in section 8 of this act.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131 RCW
2 to read as follows:

3 The following acts or parts of acts, as now existing or hereafter
4 amended, are each repealed, effective December 31, 2009:

- 5 (1) Section 2 of this act;
- 6 (2) Section 3 of this act;
- 7 (3) Section 4 of this act;
- 8 (4) Section 5 of this act; and
- 9 (5) Section 6 of this act.

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