
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; creating a new section; and providing an
5 effective date.

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

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

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

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

6 (1) One percent of the present value of the settlement or judgment
7 in any action for damages based upon injuries resulting from health
8 care that is paid to an injured claimant shall be deducted from the
9 settlement or judgment as a patient safety set aside. Proceeds of the
10 patient safety set aside will be distributed by the department of
11 health in the form of grants, loans, or other appropriate arrangements
12 to support strategies that have been proven to reduce medical errors
13 and enhance patient safety.

14 (2) Patient safety set asides shall be transmitted to the secretary
15 of the department of health for deposit into the patient safety account
16 established in section 5 of this act.

17 (3) The supreme court shall by rule adopt procedures to implement
18 this section.

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

21 Proceeds from the patient safety set asides shall be administered
22 by the department of health, in consultation with established patient
23 safety coalitions. Proceeds will be distributed in the form of grants,
24 loans, or other appropriate arrangements to support strategies that
25 have been proven to reduce medical errors and enhance patient safety.
26 In developing criteria for the award of grants, loans, or other funding
27 arrangements under this section, the department shall:

28 (1) Consult with established patient safety coalitions and health
29 care workers engaged in direct patient care activities; and

30 (2) Rely heavily upon evidence-based practices that have been shown
31 to improve patient safety and have been identified and recommended by
32 governmental and private organizations, including but not limited to:

33 (a) The federal agency for health care quality and research;

34 (b) The federal institute of medicine;

35 (c) The joint commission on accreditation of health care
36 organizations; and

1 (d) The national quality forum.

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

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

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

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

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

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

24 (1) The amount of patient safety set asides deposited to date in
25 the patient safety account;

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

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

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

1 The one percent for patient safety program shall be terminated
2 December 31, 2008, as provided in section 8 of this act.

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

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

7 (1) Section 2 of this act;

8 (2) Section 3 of this act;

9 (3) Section 4 of this act;

10 (4) Section 5 of this act; and

11 (5) Section 6 of this act.

12 NEW SECTION. **Sec. 9.** Sections 2 and 3 of this act take effect
13 January 1, 2004.

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