

HOUSE BILL 1265

J1, J3, D3

3lr2436
CF SB 835

By: **Delegates Dumais, Haddaway–Riccio, Hough, McDermott, Mitchell,
Stocksdale, Szeliga, and Valentino–Smith**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Patient Safety Early Intervention Programs**

3 FOR the purpose of authorizing hospitals, related institutions, and certain insurers to
4 establish patient safety early intervention programs; requiring patient safety
5 early intervention programs to provide for timely review of certain reports of
6 adverse events for a certain purpose; requiring patient safety early intervention
7 programs to have a process to engage in certain activities within a reasonable
8 time after the occurrence of certain adverse events under certain circumstances;
9 prohibiting the use of certain statements made during certain discussions held
10 in accordance with certain patient safety early intervention programs as
11 evidence of liability or as evidence of an admission against interest in certain
12 actions and proceedings; defining certain terms; and generally relating to
13 patient safety early intervention programs and the admissibility of evidence.

14 BY adding to

15 Article – Courts and Judicial Proceedings
16 Section 10–920.1
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2012 Supplement)

19 BY adding to

20 Article – Health – General
21 Section 19–304.1
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2012 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-920.1.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "PATIENT SAFETY EARLY INTERVENTION PROGRAM" MEANS A
5 PROGRAM THAT MEETS THE REQUIREMENTS OF § 19-304.1(C) OF THE HEALTH
6 - GENERAL ARTICLE.

7 (3) "STATEMENT" HAS THE MEANING STATED IN MARYLAND
8 RULE 5-801.

9 (B) IN A PROCEEDING SUBJECT TO TITLE 3, SUBTITLE 2A OF THIS
10 ARTICLE OR A CIVIL ACTION AGAINST A HEALTH CARE PROVIDER, A STATEMENT
11 MADE BY A PARTY DURING A DISCUSSION HELD IN ACCORDANCE WITH A
12 PATIENT SAFETY EARLY INTERVENTION PROGRAM IS INADMISSIBLE AS
13 EVIDENCE OF AN ADMISSION OF LIABILITY OR AS EVIDENCE OF AN ADMISSION
14 AGAINST INTEREST.

15 **Article - Health - General**

16 **19-304.1.**

17 (A) (1) IN THIS SECTION, "ADVERSE EVENT" MEANS AN UNEXPECTED
18 OCCURRENCE THAT RELATES TO A PATIENT'S MEDICAL TREATMENT.

19 (2) "ADVERSE EVENT" DOES NOT INCLUDE AN UNEXPECTED
20 OCCURRENCE THAT IS RELATED TO THE NATURAL COURSE OF A PATIENT'S
21 ILLNESS OR UNDERLYING DISEASE CONDITION.

22 (B) A HOSPITAL, A RELATED INSTITUTION, OR AN INSURER THAT
23 PROVIDES PROFESSIONAL LIABILITY INSURANCE TO A HEALTH CARE PROVIDER
24 IN THE STATE MAY ESTABLISH A PATIENT SAFETY EARLY INTERVENTION
25 PROGRAM.

26 (C) A PATIENT SAFETY EARLY INTERVENTION PROGRAM ESTABLISHED
27 UNDER THIS SECTION:

28 (1) SHALL PROVIDE FOR TIMELY REVIEW OF ALL REPORTS OF
29 ADVERSE EVENTS TO DETERMINE IF HARM TO A PATIENT HAS OCCURRED; AND

30 (2) IF IT IS DETERMINED AFTER AN INVESTIGATION OF AN
31 ADVERSE EVENT THAT CARE PROVIDED TO A PATIENT DEVIATED FROM THE

1 ACCEPTED STANDARD OF CARE, SHALL HAVE A PROCESS TO ENGAGE IN THE
2 FOLLOWING TYPES OF ACTIVITIES WITHIN A REASONABLE TIME AFTER THE
3 OCCURRENCE OF THE ADVERSE EVENT:

4 (I) OBTAINING INPUT ABOUT THE ADVERSE EVENT FROM
5 THE PATIENT OR THE PATIENT'S FAMILY;

6 (II) DISCLOSING TO THE PATIENT AND, IF APPROPRIATE,
7 THE PATIENT'S FAMILY THE RESULTS AND FINDINGS OF THE INVESTIGATION;

8 (III) APOLOGIZING TO THE PATIENT FOR THE CARE
9 PROVIDED TO THE PATIENT;

10 (IV) WORKING WITH THE PATIENT OR THE PATIENT'S LEGAL
11 REPRESENTATIVE TO PROVIDE APPROPRIATE AND REASONABLE
12 COMPENSATION; AND

13 (V) ALLOWING THE PATIENT AND, IF APPROPRIATE, THE
14 PATIENT'S FAMILY TO PARTICIPATE IN EFFORTS TO IDENTIFY AND IMPLEMENT
15 SYSTEM IMPROVEMENTS DESIGNED TO PREVENT A RECURRENCE OF THE
16 ADVERSE EVENT.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.