

2017 -- S 0407 SUBSTITUTE A AS AMENDED

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LC001309/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND PATIENT SAFETY ACT
OF 2008

Introduced By: Senators McCaffrey, Lombardi, Nesselbush, and Archambault

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.21-4 of the General Laws in Chapter 23-17.21 entitled "The
2 Rhode Island Patient Safety Act of 2008" is hereby amended to read as follows:

3 **23-17.21-4. Definitions.**

4 For the purposes of this chapter, the following terms shall have the following meanings:

5 (a) "Department" means the Rhode Island department of health.

6 (b) "Director" means the director of the Rhode Island department of health.

7 (c) "Health care facility" means any corporation, limited liability company, facility, or
8 institution licensed by this state to provide health care or professional services, or an officer,
9 employee or agent thereof acting in the course and scope of his or her employment.

10 (d) "Near misses" means circumstances in which a patient safety event is narrowly
11 averted.

12 (e) "Patient safety activities" means: (1) efforts to improve patient safety and the quality
13 of health care delivery; (2) the collection and analysis of patient safety work product; (3) the
14 development and dissemination of information with respect to improving patient safety, such as
15 recommendations, protocols, or information regarding best practices; (4) the utilization of patient
16 safety work product for the purposes of encouraging a culture of safety and of providing feedback
17 and assistance to effectively minimize patient risk; (5) the maintenance of procedures to preserve
18 confidentiality with respect to patient safety work product; and (6) the provision of appropriate

1 security measures with respect to patient safety work product.

2 (f) "Patient safety event" means those events as defined by the national quality forum,
3 institute of medicine, center for Medicare and Medicaid Services (CMS), and as further defined
4 by the quality of care advisory committee, as established herein, and shall include near misses.

5 (g) "Patient safety organization (PSO)" means any public or private organization certified
6 by the director, or component of any such organization, whose activity is to improve patient
7 safety and the quality of health care delivery for patients receiving care through the collection,
8 aggregation, analysis, investigation, and/or processing of medical or health care related
9 information submitted to it by reporting entities. A PSO shall not mean any agency or public
10 body as defined in subsection 38-2-2(i).

11 (h) "Patient safety work product" means all reports, records, memoranda, analyses,
12 statements, root cause analyses, ~~or~~ and written or oral statements, that: (1) a health care facility or
13 provider prepares for the purpose of disclosing a patient safety event, ~~or~~ and is disclosed, to a
14 patient safety organization; (2) is received from a reporting entity, and created ~~or is~~ and analyzed
15 by a patient safety organization; or (3) directly or indirectly contains deliberations, analytical
16 process, recommendations, conclusions, or other communications of a patient safety organization
17 ~~or~~ and between a patient safety organization and health care providers or facilities.

18 (i) "Identifiable patient safety work product" means patient safety work product that: (1)
19 is presented in a form and manner that allows the identification of any provider or reporting entity
20 that is a subject of the work product, or any providers or reporting entities that participate in
21 activities that are a subject of the work product; (2) constitutes individually identifiable health
22 information as that term is defined in the Health Insurance Portability and Accountability Act of
23 1996 and its implementing regulations (45 C.F.R. Parts 160-164); or (3) is presented in a form
24 and manner that allows the identification of an individual.

25 (j) "Nonidentifiable patient safety work product" means patient safety work product that
26 is not identifiable patient safety work product as defined in subsection (h) herein.

27 (k) "Reporting entities" means all hospitals, nursing facilities, and freestanding
28 ambulatory surgical centers licensed under chapter 23-17.

29 SECTION 2. This act shall take effect upon passage and shall apply prospectively only to
30 cases filed on or after the date of passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND PATIENT SAFETY ACT
OF 2008

1 This act would amend the definition of "patient safety work product" to include certain
2 written or oral statements disclosed to a patient safety organization and analyzed by the same.

3 This act would take effect upon passage and shall apply prospectively only to cases filed
4 on or after the date of passage.

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