

# Senate Bill 207

Sponsored by Senator BATES (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Oregon Patient Safety Commission to establish system for patients to report to commission serious adverse events occurring in hospitals.

## A BILL FOR AN ACT

1  
2 Relating to patient safety; amending ORS 442.819 and 442.820.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 442.820 is amended to read:

5 442.820. (1) The Oregon Patient Safety Commission is established as a semi-independent state  
6 agency subject to ORS 182.456 to 182.472. The commission shall exercise and carry out all powers,  
7 rights and privileges that are expressly conferred upon it, are implied by law or are incident to such  
8 powers.

9 (2) The mission of the commission is to improve patient safety by reducing the risk of serious  
10 adverse events occurring in Oregon's health care system and by encouraging a culture of patient  
11 safety in Oregon. To accomplish this mission, the commission shall:

12 (a) Establish a confidential, voluntary serious adverse event reporting system to identify serious  
13 adverse events;

14 **(b) Establish a system for a patient or a person acting on behalf of a patient to report,**  
15 **through a toll-free telephone hotline or through the commission's website, a serious adverse**  
16 **event occurring in a hospital, and for the commission to investigate, compile and utilize in-**  
17 **formation from the report;**

18 *[(b)]* (c) Establish quality improvement techniques to reduce systems' errors contributing to se-  
19 rious adverse events; and

20 *[(c)]* (d) Disseminate evidence-based prevention practices to improve patient outcomes.

21 (3) ORS 192.410 to 192.505 do not apply to public records created or maintained by the com-  
22 mission that contain patient safety data or to reports obtained by the program.

23 (4) ORS 192.610 to 192.690 do not apply to portions of a meeting of the Oregon Patient Safety  
24 Commission Board of Directors, or subcommittees or advisory committees established by the board,  
25 to consider information that identifies a participant or patient and the written minutes of that por-  
26 tion of the meeting.

27 (5) Notwithstanding ORS 182.460, ORS 293.250 applies to the commission for the purpose of  
28 collecting unpaid fees established under ORS 442.850 that are owed to the commission and are past  
29 due.

30 **SECTION 2.** ORS 442.819 is amended to read:

31 442.819. As used in ORS 442.819 to 442.851:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (1) "Participant" means an entity that reports patient safety data to the Oregon Patient Safety  
2 Reporting Program, and any agent, employee, consultant, representative, volunteer or medical staff  
3 member of the entity.

4 (2) "Patient safety activities" includes but is not limited to:

5 (a) The collection and analysis of patient safety data by a participant;

6 (b) The collection and analysis of patient safety data by the Oregon Patient Safety Commission  
7 established in ORS 442.820;

8 (c) The utilization of patient safety data by participants;

9 (d) The utilization of patient safety data by the Oregon Patient Safety Commission to improve  
10 the quality of care with respect to patient safety and to provide assistance to health care providers  
11 to minimize patient risk; and

12 (e) Oral and written communication regarding patient safety data among two or more partic-  
13 ipants with the intent of making a disclosure to or preparing a report to be submitted to the patient  
14 safety reporting program.

15 (3) "Patient safety data" means oral communication or written reports, data, records, memo-  
16 randa, analyses, deliberative work, statements, root cause analyses or action plans that are collected  
17 or developed to improve patient safety or health care quality that:

18 (a) Are prepared by a participant for the purpose of reporting patient safety data voluntarily to  
19 the patient safety reporting program, or that are communicated among two or more participants  
20 with the intent of making a disclosure to or preparing a report to be submitted to the patient safety  
21 reporting program;

22 (b) Are collected or prepared by a patient safety organization certified by the United States  
23 Department of Health and Human Services under 42 U.S.C. 299b-24; [or]

24 (c) Are created by or at the direction of the patient safety reporting program, including com-  
25 munication, reports, notes or records created in the course of an investigation undertaken at the  
26 direction of the Oregon Patient Safety Commission; **or**

27 **(d) Are reported by or on behalf of patients through the toll-free telephone hotline es-**  
28 **tablished under ORS 442.820 or through the commission's website.**

29 (4) "Patient safety reporting program" means the Oregon Patient Safety Reporting Program  
30 created in ORS 442.837.

31 (5) "Serious adverse event" means an objective and definable negative consequence of patient  
32 care, or the risk thereof, that is unanticipated, usually preventable and results in, or presents a  
33 significant risk of, patient death or serious physical injury.

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