



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 446

Hearing Date: January 27, 2005
Committee On: Judiciary

Introducer(s): (Jensen, Brown, Byars, Combs, Cunningham, Erdman, Howard, Johnson, Kruse, Price, Stuthman, Dw. Pedersen)
Title: Adopt the Patient Safety Improvement Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Aguilar, Bourne, Chambers, Combs, Flood, Foley, Friend
	No	
	Present, not voting	
1	Absent	Senator Pedersen

Proponents:

Senator Jim Jensen
 Robert Driewer
 Steve Smith
 Bob Hallstrom
 Darwin Brown
 Andrea Nelson
 Katherine Jones
 Nancy Shirley
 Greg Schieke

Representing:

Introducer
 Faith Regional Health Services
 Nebraska Medical Association
 Nebraska Pharmacists Association
 Nebraska Academy of Physician Assistants
 Nebraska Board of Health
 Nebraska Center for Rural Health Research
 Nebraska Nurses Association
 CIMRO of Nebraska

Opponents:

Bob Moodie

Representing:

Nebraska Association of Trial Attorneys

Neutral:

Alan Peterson
 Brendon Polt

Representing:

Media of Nebraska
 Nebraska Health Care Association

Summary of purpose and/or changes:

Legislative Bill 446 would establish the Patient Safety Improvement Act (Act). The purpose of the Act is to encourage patient safety in the medical industry through the reporting of

incidents of adverse health events and near misses to a coalition that oversees the information. The bill provides legal protection to providers and facilities that will allow them to review health information and collaborate on the improvement of patient safety without becoming an additional avenue for discovery in lawsuits. The bill does not change current avenues available to patients for legal redress.

Legislative Bill 446 creates the Nebraska Coalition for Patient Safety (Coalition), an organization comprised of no more than 15 representatives. This Coalition is responsible for recording information reported to them. Providers are required to report aggregate numbers of the following occurrences:

- Surgery or procedures performed on the wrong patient or wrong body part
- Foreign objects accidentally left in a patient
- Hemolytic transfusion reaction in a patient (wrong blood given)
- Sexual assault of a patient
- Abduction of a newborn
- Suicide of a patient under 24-hour watch
- Medication errors resulting in death or loss of bodily function
- Contaminated drugs, devices or biologics resulting in death or disability
- Device malfunction resulting in death or disability
- Secondary infection that arises from hospitalization resulting in death or loss of function

Under this Act, providers must submit to the Coalition a summary report including brief descriptions of the event, root cause analysis, and an action plan.

The Coalition may disclose nonidentifiable information as a result of the work product reported to it by providers and shall publish educational information from the summary reports that can be used by all providers to improve patient care.

Any person who receives or releases information as prescribed under the Act and procedures established by the Coalition shall not be civilly or criminally liable unless the receipt or release of information is done with actual malice, fraudulent intent, or bad faith.

Explanation of amendments, if any:

The committee amendment to LB 446 makes the following changes:

- Amends the definition of patient safety work product;
- Explains that patient safety work product shall not be offered in the presence of the jury or other fact finder;
- Adds the Nebraska Academy of Physician Assistants to the Board of the Nebraska Coalition for Patient Safety;

- Changes the term ‘contaminated drugs’ to ‘adulterated drugs’; and
- Allows immunity for any provider furnishing services to a patient safety organization.

Senator Patrick J. Bourne, Chairperson