

HOSPITAL CLAIMS MANAGEMENT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill amends the Health Code to authorize a demonstration project administered by the department.

Highlighted Provisions:

This bill:

- ▶ authorizes the Department of Health to establish a demonstration project to facilitate:
 - open and honest dialogue between a health care provider and a patient or the patient's representative regarding unexpected medical outcomes; and
 - timely and cost effective resolution of unexpected medical outcomes; and
- ▶ gives the department rulemaking authority to implement the demonstration project.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-1-30.5, as last amended by Laws of Utah 2001, Chapter 53

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-1-30.5** is amended to read:

26-1-30.5. Duty to establish pilot program for monitoring quality in health care.

30 (1) ~~[The]~~ (a) Beginning July 1, 2010, the department shall develop a [two-year]
31 voluntary demonstration project to promote and monitor [quality health care] early
32 intervention and resolution of unanticipated outcomes from medical care received by a patient.

33 (b) Implementation and execution of the demonstration project is contingent upon
34 ~~[appropriations from the Legislature.]~~ the amendment of a rule of evidence to protect the
35 statements, affirmations, gestures, or conduct described in Section 78B-3-422.

36 (c) The department shall adopt administrative rules in accordance with Title 63G,
37 Chapter 3, Utah Administrative Rulemaking Act, which establish:

38 (i) the principles upon which the demonstration project shall be based; and
39 (ii) the method for implementation and evaluation of an open and honest dialogue
40 between a health care provider and a patient, and the patient's representative, after an
41 unanticipated event resulting from medical care provided to the patient.

42 (2) The demonstration project shall include at least the following:

43 (a) a collaborative, public-private effort to ~~[promote clinical quality and cost~~
44 ~~effectiveness in health care through community wide continuous quality improvement~~
45 ~~methods; and]~~:

46 (i) avoid expensive and acrimonious litigation as a result of an unanticipated medical
47 outcome; and

48 (ii) replace litigation with open and honest dialogue about issues raised in the course
49 of a patient's medical care which resulted in the unanticipated outcome;

50 (b) a process for evaluating the effectiveness of ~~[health care continuous quality~~
51 ~~improvement efforts in the state.]~~ the demonstration project in:

52 (i) preventing litigation of medical malpractice claims; and

53 (ii) providing appropriate and timely resolution of medical malpractice claims;

54 (c) a report to the Legislature's Judiciary, Law Enforcement, and Criminal Justice
55 Interim Committee no later than November 30, 2012, which shall include the results of the
56 demonstration project.