

HOSPITAL CLAIMS MANAGEMENT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: _____

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:



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

29 **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 intervention
32 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 adoption by the Supreme Court of a rule of evidence
35 that protects statements, expressions, or conduct that express apology, fault, sympathy,
36 commiseration, condolence, compassion or general sense of benevolence which are made by a
37 health care provider or an employee of the health care provider to the alleged victim, relative of
38 the victim, or representative of the victim.

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

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

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

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

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

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

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

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

56 (ii) providing appropriate and timely resolution of medical malpractice claims.

Legislative Review Note
as of 2-16-10 6:20 AM

Office of Legislative Research and General Counsel

H.B. 408 - Hospital Claims Management

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
