

**HEALTH CARE CONSUMER'S REPORT**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Allen M. Christensen**

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**LONG TITLE**

**General Description:**

This bill amends the Utah Health Data Authority Act to require annual reports of comparisons between health care facilities based on certain designated quality, safety, and cost factors.

**Highlighted Provisions:**

This bill:

- ▶ requires the Health Data Authority to publish reports at least annually that compare and identify health care facilities;
- ▶ requires the Health Data Authority to publish the data in a form that is easily accessible to the public;
- ▶ requires the reports comparing health care facilities to be based on several designated factors;
- ▶ requires the Department of Health to define patient safety sentinel events; and
- ▶ requires health care facilities to report patient safety sentinel events within 72 hours or lose the privileged communication otherwise granted by law.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28           **26-33a-106.5**, as last amended by Chapter 53, Laws of Utah 2001

29 ENACTS:

30           **26-25-7**, Utah Code Annotated 1953



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

33           Section 1. Section **26-33a-106.5** is amended to read:

34           **26-33a-106.5. Comparative analyses.**

35           (1) The committee may publish compilations or reports that compare and identify  
36 health care providers or data suppliers from the data it collects under this chapter or from any  
37 other source.

38           (2) (a) The committee shall publish compilations or reports from the data it collects  
39 under this chapter or from any other source which:

40           (i) contain the information described in Subsection (2)(b); and

41           (ii) compare and identify by name at least a majority of the health care facilities and  
42 institutions in the state.

43           (b) The report required by this Subsection (2) shall:

44           (i) be published at least annually; and

45           (ii) contain comparisons based on at least the following factors:

46           (A) nationally recognized quality standards;

47           (B) charges; and

48           (C) nationally recognized patient safety standards.

49           ~~[(2)]~~ (3) The committee ~~[shall]~~ may contract with a private, independent analyst to  
50 evaluate the standard comparative reports of the committee that identify, compare, or rank the  
51 performance of data suppliers by name. The evaluation shall include a validation of statistical  
52 methodologies, limitations, appropriateness of use, and comparisons using standard health  
53 services research practice. The analyst must be experienced in analyzing large databases from  
54 multiple data suppliers and in evaluating health care issues of cost, quality, and access. The  
55 results of the analyst's evaluation must be released to the public before the standard  
56 comparative analysis upon which it is based may be published by the committee.

57           ~~[(3)]~~ (4) The committee shall adopt by rule a timetable for the collection and analysis  
58 of data from multiple types of data suppliers.

59           (5) The comparative analysis required under Subsection (2) shall be available free of  
60 charge and easily accessible to the public.

61           Section 2. Section **26-25-7** is enacted to read:

62           **26-25-7. Reporting of patient safety sentinel event -- Penalty for failure to report.**

63           (1) The department shall establish by rule:

64           (a) a definition of a patient safety sentinel event; and

65           (b) requirements for reporting and evaluating patient safety sentinel events.

66           (2) A health care facility shall report a patient safety sentinel event to the department  
67 within 72 hours of the facility becoming aware of the sentinel event.

68           (3) If a health care facility fails to report a patient safety sentinel event within 72 hours  
69 as provided by this section, the privileged communication granted by Sections 26-25-3 and  
70 26-33a-111, as applied to any information pertaining to that patient safety sentinel event, is  
71 void.

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**Legislative Review Note**  
**as of 1-6-05 2:40 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

This bill requires the Health Data Authority to publish reports free of charge. This could result in a loss of dedicated credit revenue currently collected. The loss of revenue is estimated at approximately \$6,300 which will cause a minor reduction in the ability to provide other services.

|                   | <u>FY 2006</u>   | <u>FY 2007</u>   | <u>FY 2006</u>   | <u>FY 2007</u>   |
|-------------------|------------------|------------------|------------------|------------------|
|                   | <u>Approp.</u>   | <u>Approp.</u>   | <u>Revenue</u>   | <u>Revenue</u>   |
| Dedicated Credits | (\$6,300)        | (\$6,300)        | (\$6,300)        | (\$6,300)        |
| <b>TOTAL</b>      | <u>(\$6,300)</u> | <u>(\$6,300)</u> | <u>(\$6,300)</u> | <u>(\$6,300)</u> |

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**Individual and Business Impact**

Individuals will be able to take advantage of reports without charge.

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