

Representative Bradley G. Last proposes the following substitute bill:

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



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27 *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 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, ~~H→~~ [or] and ~~←H~~ 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 of

49 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.

H.B. 408 1st Sub. (Buff) - 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.
