

**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

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**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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*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.**

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

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

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

(i) the principles upon which the demonstration project shall be based; and

(ii) the method for implementation and evaluation of an open and honest dialogue between a health care provider and a patient, or the patient's representative, after an unanticipated event resulting from medical care provided to the patient.

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

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

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

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

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

(i) preventing litigation of medical malpractice claims; and

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

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

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**H.B. 408 1st Sub. (Buff) - Hospital Claims Management**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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