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By: ~~Delegates McHale and Hammen~~ Hammen, Shriver, and Donoghue

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Patients' Safety Act of 2001**

3 FOR the purpose of requiring the Maryland Health Care Commission to study the  
4 feasibility of developing a system for reducing preventable adverse medical  
5 events; providing for the items the Commission shall review in conducting the  
6 study; ~~to develop a system for reducing preventable adverse medical events;~~  
7 and requiring the Commission to ~~report~~ make certain reports, on or before a  
8 ~~certain date~~ certain dates, to certain committees of the General Assembly on the  
9 Commission's recommendations for implementing the provisions of this Act;  
10 and generally relating to preventing adverse medical events.

11 BY adding to  
12 Article - Health - General  
13 Section 19-139  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume)

16 **Preamble**

17 ~~WHEREAS, Recent studies have indicated that medical errors may result in~~  
18 ~~44,000 to 98,000 deaths in United States hospitals annually; and~~

19 ~~WHEREAS, Deaths from errors in the prescription and administration of~~  
20 ~~medications may claim as many as 7,000 lives annually, exceeding the number of~~  
21 ~~deaths attributed annually to workplace injuries; and~~

1 WHEREAS, Medically induced injuries and death not only represent a major  
2 public health problem — resulting not only in death, permanent disability, and  
3 unnecessary suffering — but also in economic costs and a loss of trust in the medical  
4 profession; and

5 WHEREAS, Although medical errors may be more easily detected in hospitals,  
6 they occur in other health care settings as well; and

7 WHEREAS, A 1999 report of the Committee on Quality Health Care in America,  
8 sponsored by the Institute of Medicine of the National Academy of Science, stated that  
9 "the health care delivery system is rapidly evolving and undergoing substantial  
10 redesign, which may introduce improvements, but also new hazards"; and

11 WHEREAS, The report's recommendations included the establishment of a  
12 mandatory reporting system for adverse medical events, the encouragement of  
13 voluntary reporting efforts, modifications of legal and confidentiality requirements to  
14 promote reporting and analysis, and the development of performance standards by  
15 health care organizations and health care professionals to focus greater attention on  
16 patient safety; and

17 WHEREAS, Many of the recommendations and methods of implementation  
18 offered by the report have critical significance for the delivery of health care in the  
19 State of Maryland; now, therefore,

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Health - General**

23 19-139.

24 ~~THE COMMISSION SHALL DEVELOP A SYSTEM FOR REDUCING THE INCIDENCES~~  
25 ~~OF PREVENTABLE ADVERSE MEDICAL EVENTS IN THE STATE.~~

26 (A) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF  
27 HEALTH AND MENTAL HYGIENE, SHALL STUDY THE FEASIBILITY OF DEVELOPING A  
28 SYSTEM FOR REDUCING THE INCIDENCES OF PREVENTABLE ADVERSE MEDICAL  
29 EVENTS IN THE STATE INCLUDING BUT NOT LIMITED TO A SYSTEM OF REPORTING  
30 SUCH INCIDENCES.

31 (B) IN CONDUCTING THE STUDY THE COMMISSION SHALL REVIEW:

32 (1) FEDERAL REPORTS AND RECOMMENDATIONS FOR IDENTIFICATION  
33 OF MEDICAL ERRORS INCLUDING THE MOST RECENT REPORT OF THE INSTITUTE OF  
34 MEDICINE OF THE NATIONAL ACADEMY OF SCIENCES;

35 (2) RECOMMENDATIONS OF NATIONAL ACCREDITING AND QUALITY  
36 ASSURANCE ORGANIZATIONS INCLUDING THE JOINT COMMISSION ON THE  
37 ACCREDITATION OF HEALTH CARE ORGANIZATIONS;

- 1           (3)     RECOMMENDATIONS OF THE NATIONAL QUALITY FORUM;  
2           (4)     PROGRAMS IN OTHER STATES DESIGNED TO REDUCE ADVERSE  
3 MEDICAL EVENTS; AND
- 4           (5)     BEST PRACTICES OF HOSPITALS AND OTHER HEALTH CARE  
5 FACILITIES.

6     SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~December 1,~~  
7 ~~2001~~ January 1, 2002, the Maryland Health Care Commission ~~shall report~~ issue a  
8 preliminary report and, on or before January 1, 2003, issue a final report to the  
9 Governor and, subject to § 2-1246 of the State Government Article, the House  
10 Economic Matters and House Environmental Matters committees, and the Senate  
11 Finance Committee on the Commission's recommendations ~~for implementing the~~  
12 ~~provisions of this Act by legislation or regulation~~ as a result of the study required by  
13 this Act.

14     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2001.