

HOUSE No. 2072

By Mr. Coughlin of Dedham, petition of Robert K. Coughlin and others for legislation to require the reporting of certain medical errors. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Robert K. Coughlin Bruce E. Tarr
Kathi-Anne Reinstein

In the Year Two Thousand and Seven.

AN ACT TO REQUIRE THE REPORTING OF CERTAIN MEDICAL ERRORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (e) of Section 16L of Chapter 6A of the
2 General Laws is hereby amended by inserting the following
3 subsection:—

4 (i) no later than October 1, 2007, the council shall promulgate
5 regulations that create a list of “never events”, so-called. The council
6 shall update the list annually, based upon guidelines developed by
7 the National Quality Forum, and other patient safety and medical
8 quality experts. Reporting of each never event shall be included in
9 the consumer website created by subsection (h) of this section.
10 Initial publication of the never event occurrences on the consumer
11 website shall occur no later than 1 year following the date of imple-
12 mentation of this section. The website shall identify both the never
13 events and the facilities at which each occurred, but shall not
14 include any other identifying information including but not limited
15 to any of the health care professionals, facility employees, or
16 patients involved.

1 SECTION 2. Section 51 of Chapter 111 of the General Laws is
2 hereby amended by inserting the following subsection:— A hospital

3 licensed under this chapter shall report each never event occurrence
4 listed in regulations promulgated by authority of subsection (e)(i) of
5 section 16E of Chapter 6A, to the Betsy Lehman Center for Patient
6 Safety and Medical Error Reduction, the Department of Public
7 Health, the Board of Registration in Medicine's Patient Care Assess-
8 ment division, and the Health Care Quality and Cost Council, as
9 soon as is reasonably and practically possible, but no later than 15
10 working days after discovery of the never event. Any licensed hos-
11 pital in the Commonwealth, which does not comply with this section
12 and the rules and regulation set forth by the department may have its
13 license revoked or suspended by said department, be fined up to
14 \$1,000 per day per violation, or both.

1 SECTION 3. This act shall take effect upon its passage.