

SENATE No. 1176

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act making technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute.

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 1176

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1176) of Cynthia S. Creem for legislation to make a technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act making technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute.

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. Chapter 12C of the General Laws is hereby amended by striking out section
2 15, as appearing in the 2014 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 15. (a) For the purposes of this section, the following words shall, unless the
5 context clearly requires otherwise, have the following meanings:

6 "Adverse event", harm to a patient resulting from a medical intervention and not to the
7 underlying condition of the patient.

8 "Agency," any agency of the executive branch of government in the commonwealth,
9 including but not limited to any constitutional or other office, executive office, department,
10 division, bureau, board, commission or committee thereof; or any authority created by the
11 general court to serve a public purpose, having either statewide or local jurisdiction.

12 "Board", the patient safety and medical errors reduction board.

13 "Healthcare-associated infection," an infection that a patient acquires during the course of
14 receiving treatment for other conditions within a healthcare setting.

15 "Lehman center", the Betsy Lehman center for patient safety and medical error reduction.

16 "Incident", an incident which, if left undetected or uncorrected, might have resulted in an
17 adverse event.

18 "Medical error", the failure of medical management of a planned action to be completed
19 as intended or the use of a wrong plan to achieve an outcome.

20 "Patient safety", freedom from accidental injury.

21 "Patient safety information," data and information related to patient safety, including
22 adverse events, incidents, medical errors, or healthcare-associated infections that are collected or
23 maintained by agencies.

24 (b) There shall be established within the center the Betsy Lehman center for patient safety
25 and medical error reduction. The purpose of the Lehman center shall be to serve as a
26 clearinghouse for the development, evaluation and dissemination, including, but not limited to,
27 the sponsorship of training and education programs, of best practices for patient safety and
28 medical error reduction. The Lehman center shall: (1) coordinate the efforts of state agencies
29 engaged in the regulation, contracting or delivery of health care and those individuals or
30 institutions licensed by the commonwealth to provide health care to meet their responsibilities
31 for patient safety and medical error reduction; (2) assist all such entities to work as part of a total
32 system of patient safety; and (3) develop appropriate mechanisms for consumers to be included

33 in a statewide program for improving patient safety. The Lehman center shall coordinate state
34 participation in any appropriate state or federal reports or data collection efforts relative to
35 patient safety and medical error reduction. The Lehman center shall analyze available data,
36 research and reports for information that would improve education and training programs that
37 promote patient safety.

38 (c) Within the Lehman center, there shall be established a patient safety and medical
39 errors reduction board. The board shall consist of the secretary of health and human services, the
40 executive director of the center, the director of consumer affairs and business regulations and the
41 attorney general. The board shall appoint, in consultation with the advisory committee, the
42 director of the Lehman center by a unanimous vote and the director shall, under the general
43 supervision of the board, have general oversight of the operation of the Lehman center. The
44 director may appoint or retain and remove expert, clerical or other assistants as the work of the
45 Lehman center may require. The coalition for the prevention of medical errors shall serve as the
46 advisory committee to the board. The advisory committee shall, at the request of the director,
47 provide advice and counsel as it considers appropriate including, but not limited to, serving as a
48 resource for studies and projects undertaken or sponsored by the Lehman center. The advisory
49 committee may also review and comment on regulations and standards proposed or promulgated
50 by the Lehman center, but the review and comment shall be advisory in nature and shall not be
51 considered binding on the Lehman center.

52 (d) The Lehman center shall develop and administer a patient safety and medical error
53 reduction education and research program to assist health care professionals, health care facilities
54 and agencies and the general public regarding issues related to the causes and consequences of
55 medical error and practices and procedures to promote the highest standard for patient safety in

56 the commonwealth. The Lehman center shall annually report to the governor and the general
57 court relative to the feasibility of developing standards for patient safety and medical error
58 reduction programs for any state department, agency, commission or board to reduce medical
59 errors, and the statutory responsibilities of the commonwealth, for the protection of patients and
60 consumers of health care together with recommendations to improve coordination and
61 effectiveness of the programs and activities.

62 (e) The Lehman center shall (1) identify and disseminate information about evidence-
63 based best practices to reduce medical errors and enhance patient safety; (2) develop a process
64 for determining which evidence-based best practices should be considered for adoption; (3) serve
65 as a central clearinghouse for the collection and analysis of existing information on the causes of
66 medical errors and strategies for prevention; and (4) increase awareness of error prevention
67 strategies through public and professional education. The information collected by the Lehman
68 center or reported to the Lehman center shall not be a public record as defined in section 7 of
69 chapter 4, shall be confidential and shall not be subject to subpoena or discovery or introduced
70 into evidence in any judicial or administrative proceeding, except as otherwise specifically
71 provided by law.

72 (f) Notwithstanding any general or special law to the contrary, the Lehman Center and
73 each agency that collects or maintains patient safety information may transmit such information,
74 including personal data under section 1 of chapter 66A, to each other through an agreement, that
75 can be an interagency service agreement, that provides for any safeguards necessary to protect
76 the privacy and security of the information; provided, that the provision of such information is
77 consistent with federal law.

78 (g) The Lehman center may adopt rules and regulations necessary to carry out the
79 purpose and provisions of this section. The Lehman center may contract with any federal, state
80 or municipal agency or other public institution or with any private individual, partnership, firm,
81 corporation, association or other entity to manage its affairs or carry out the purpose and
82 provisions of this section.

83 (h) The Lehman center shall report annually to the general court regarding the progress
84 made in improving patient safety and medical error reduction. The Lehman center shall seek
85 federal and foundation support to supplement state resources to carry out the Lehman center's
86 patient safety and medical error reduction goals.