

Bill No. SJR 1918

Barcode 310346

CHAMBER ACTION

Senate

House

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Comm: RCS
04/20/2006 03:41 PM

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The Committee on Judiciary (Geller) recommended the following
amendment to amendment (773348):

Senate Amendment (with title amendment)

On page 120, line 5, through
page 121, line 12, delete those lines

and insert:

~~SECTION 25. Patients' right to know about adverse
medical incidents.--~~

~~(a) In addition to any other similar rights provided
herein or by general law, patients have a right to have access
to any records made or received in the course of business by a
health care facility or provider relating to any adverse
medical incident.~~

~~(b) In providing such access, the identity of patients
involved in the incidents shall not be disclosed, and any
privacy restrictions imposed by federal law shall be
maintained.~~

~~(c) For purposes of this section, the following terms
have the following meanings:~~

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1 ~~(1) The phrases "health care facility" and "health~~
2 ~~care provider" have the meaning given in general law related~~
3 ~~to a patient's rights and responsibilities.~~

4 ~~(2) The term "patient" means an individual who has~~
5 ~~sought, is seeking, is undergoing, or has undergone care or~~
6 ~~treatment in a health care facility or by a health care~~
7 ~~provider.~~

8 ~~(3) The phrase "adverse medical incident" means~~
9 ~~medical negligence, intentional misconduct, and any other act,~~
10 ~~neglect, or default of a health care facility or health care~~
11 ~~provider that caused or could have caused injury to or death~~
12 ~~of a patient, including, but not limited to, those incidents~~
13 ~~that are required by state or federal law to be reported to~~
14 ~~any governmental agency or body, and incidents that are~~
15 ~~reported to or reviewed by any health care facility peer~~
16 ~~review, risk management, quality assurance, credentials, or~~
17 ~~similar committee, or any representative of any such~~
18 ~~committees.~~

19 ~~(4) The phrase "have access to any records" means, in~~
20 ~~addition to any other procedure for producing such records~~
21 ~~provided by general law, making the records available for~~
22 ~~inspection and copying upon formal or informal request by the~~
23 ~~patient or a representative of the patient, provided that~~
24 ~~current records which have been made publicly available by~~
25 ~~publication or on the Internet may be "provided" by reference~~
26 ~~to the location at which the records are publicly available.~~

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28 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 151, line 18, after the semicolon,

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5 insert:

6 to repeal Section 25 of Article X, which

7 provides that patients have a right of access

8 to records relating to adverse incidents;

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