

Bill as  
Introduced

HB 293 - AS INTRODUCED

2013 SESSION

13-0524  
01/05

HOUSE BILL           **293**

AN ACT           relative to the adverse events reporting system.

SPONSORS:       Rep. Rosenwald, Hills 30; Rep. J. MacKay, Merr 14; Rep. McMahon, Rock 7;  
Rep. Sherman, Rock 24; Sen. Reagan, Dist 17; Sen. Gilmour, Dist 12

COMMITTEE:     Health, Human Services and Elderly Affairs

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ANALYSIS

This bill clarifies the adverse events reporting law.

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Explanation:     Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to the adverse events reporting system.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Adverse Events Reporting System. RSA 151:38, I is repealed and reenacted to read as follows:

2 I. Any hospital or ambulatory surgical center licensed pursuant to this chapter shall report  
3 to the commissioner the occurrence of any of the adverse health care events described in  
4 subparagraphs (a) and (b) as soon as is reasonably and practically possible, but no later than 15  
5 working days after discovery of the event. The report shall be filed in a format specified by the  
6 commissioner and shall identify the facility but shall not include any identifying information for any  
7 of the health care professionals, facility employees, or patients involved. The commissioner may  
8 consult with experts and organizations familiar with patient safety when developing the format for  
9 reporting and in further defining events in order to be consistent with industry standards. Events to  
10 be reported under this subdivision include:

11 (a) Serious reportable events and specifications published and periodically amended by  
12 the National Quality Forum, which are incorporated in this subdivision by reference. The  
13 department shall provide a link from its Internet website to the serious reportable events and  
14 specifications on the National Quality Forum Internet website and shall provide a printed copy upon  
15 request.

16 (b) The transmission of a non-aerosolized bloodborne pathogen from a health care worker  
17 to a patient resulting in a communicable disease caused by an intentional unsafe act. An act by  
18 hospital or ambulatory surgery center staff resulting in an infection or disease shall be considered to  
19 be purposefully unsafe if it meets all of the following criteria:

20 (1) There was a conscious act or reckless behavior;

21 (2) No reasonable person with similar qualifications, training and experience would  
22 have acted the same way under similar circumstances; and

23 (3) There were no extenuating circumstances that could justify the act.

24 2 Adverse Events Reporting System; Commissioner's Duties and Responsibilities. Amend  
25 RSA 151:39, VI to read as follows:

26 VI. *The commissioner shall notify each hospital and ambulatory surgery center*  
27 *when the National Quality Forum publishes an amendment to the serious reportable events*  
28 *and specifications and immediately upon such notification, the amended serious*  
29 *reportable events and specifications shall be the reportable adverse events pursuant to this*  
30 *subdivision.*

31 VII. Nothing in this section shall be construed to limit the responsibilities and duties of the

1 department under RSA 151.

2 3 Effective Date. This act shall take effect 60 days after its passage.

HB 293 - AS AMENDED BY THE HOUSE

6Mar2013... 0255h

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CHAPTER 27  
HB 293 - FINAL VERSION

6Mar2013... 0255h

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HB 293 - FINAL VERSION

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1 *reportable events and specifications shall be the reportable adverse events pursuant to this*  
2 *subdivision.*

3 VII. Nothing in this section shall be construed to limit the responsibilities and duties of the  
4 department under RSA 151.

5 27:3 Effective Date. This act shall take effect 60 days after its passage.

6 Approved: May 16, 2013

7 Effective Date: July 15, 2013

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**HEALTH, EDUCATION & HUMAN SERVICES**

Senator Nancy Stiles Chairman  
 Senator John Reagan V Chairman  
 Senator Peggy Gilmour  
 Senator Molly Kelly  
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY		
<input type="checkbox"/>	Bill Status	
<input type="checkbox"/>	Docket	
<input type="checkbox"/>	Calendar	
Proof:	<input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

**Date: March 26, 2013**

**HEARINGS**

**Tuesday**

**4/2/2013**

HEALTH, EDUCATION & HUMAN SERVICES

LOB 103

9:00 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

9:00 AM	HB556	establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.
9:15 AM	HB633	relative to prescription refills.
9:30 AM	HB293	relative to the adverse events reporting system.
10:00 AM	HB177	relative to licensing requirements for homestead food.
10:15 AM	HB482-FN	regarding infestation of bed bugs in rental housing.

**Sponsors:**

**HB556**

Rep. James MacKay  
 Rep. Joy Tilton  
 Sen. Sharon Carson

Rep. Laurie Harding  
 Rep. William Butynski  
 Sen. John Reagan

Rep. Cindy Rosenwald  
 Sen. David Pierce

Rep. Charles McMahon  
 Sen. Bette Lasky

**HB633**

Rep. Dan McGuire

Rep. Frank Kotowski

Sen. John Reagan

**HB293**

Rep. Cindy Rosenwald  
 Sen. John Reagan

Rep. James MacKay  
 Sen. Peggy Gilmour

Rep. Charles McMahon

Rep. Thomas Sherman

**HB177**

Rep. Carol McGuire  
 Rep. Laura Jones

Rep. Guy Comtois

Rep. Tara Sad

Rep. Robert Haefner

**HB482-FN**

Rep. Patrick Long

# HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE

## Hearing Report

*Michael Ciccio, Legislative Aide*

**HB 293** - - relative to the adverse events reporting system.

Hearing Date: 04.02.13

Time Opened: 9:30

Time Closed: 9:48

**Members of the Committee Present:** Senators Stiles, Reagan, Kelly, Gilmour, and Sanborn

**Members of the Committee Absent:** None

**Bill Analysis:** This bill clarifies the adverse events reporting law.

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**Sponsors:** Rep. Rosenwald, Hills 30; Rep. J. MacKay, Merr 14; Rep. McMahon, Rock 7; Rep. Sherman, Rock 24; Sen. Reagan, Dist 17; Sen. Gilmour, Dist 12

**Who supports the bill:** Senator Gilmour, Senator Reagan, Rep. Rosenwald, Rep. MacKay, Rep. Harding, Janet Monahan (NH Medical Society), Kate Frey (DHHS), Leslie Melby (NH Hospital Association), Scott Goodwin (NH Quality Assurance Commission)

**Who opposes the bill:** None

### Summary of testimony presented in support:

#### Rep. Rosenwald

- In 2009, HB 592 was introduced to require hospitals and ambulatory surgical centers to report six broad categories of incidents that should never happen.
- The incidents that were included were compiled from the National Quality Forum. Their reporting criteria are used by 30 different states.
- The 2009 bill required any facility that reported one of the incidents to conduct a root cause analysis, plan for corrective action, and report to HHS. Then HHS has to put out an annual report.
- The reporting is good for the public and leads to increased public safety.
- HB 293 updates the 2009 adverse events reporting law.
- The national quality forum has updated their list of adverse events. By referencing the national quality forum instead of listing the specific events in the bill it will prevent changing the statute whenever the national quality forum updates their list.
- It also, includes a situation like what happened with Exeter hospital. In lines 16-20, "the transmission of non-aerosolized bloodborne pathogen by a health care worker's intentional, unsafe act."

- The hospital association is in full support of the bill
- In response to questions from the committee Rep. Rosenwald stated:
  - Fifteen days should be enough time to report because these are things that should never happen. The fifteen days is the current law.

**Rep. Harding:**

- The house changed the language to include the intent to transfer a disease even if it does not result a transfer of the disease.

**Leslie Melby: NH Hospital Association**

- This is a bill that improves upon an already successful statute.
- The bill replaces the current list of adverse events with the list from the national quality forum. The list is subject to change over time and they believe it is appropriate to reference the national quality forum
- It also includes the transmission of a bloodborne pathogen by an intentional unsafe act.
- In response to questions from the committee Ms. Melby stated:
  - She believes an unintentional safe act would be a reportable event.

**Scott Goodwin: NH healthcare quality assurance commission**

- The NH healthcare quality assurance commission supports HB 293
- The changes represent an important step in eliminating serious preventable harm to patients.
- The bill provides meaningful guidance to the members of NH healthcare quality insurance commission.
- In response to questions from the committee Mr. Goodwin stated:
  - The bill deals with an intentional unsafe act or an act relating in an infection disease that includes an intentional act or reckless behavior. We have process to evaluate reckless behavior.

**Kate Frey: DHHS**

- The current statutes include accidents that are unintentional. Such as, surgery performed on the wrong patient or the wrong side. The intent of adding lines 16-20 is to address what happened in Exeter over the summer.

**Summary of testimony presented in opposition:**

- None

**Action:** OTP, 5-0

MJC

Date hearing report completed: 04.04.13

# Speakers







# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: 04.02.13

THE COMMITTEE ON Health, Education and Human Services  
to which was referred House Bill 293

AN ACT                   relative to the adverse events reporting system.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:   5-0

Senator Peggy Gilmour  
For the Committee

Michael Ciccio 271-3093

## New Hampshire General Court - Bill Status System

**Docket of HB293**

Docket Abbreviations

**Bill Title:** relative to the adverse events reporting system.*Official Docket of HB293:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	H	<b>Introduced</b> 1/3/2013 and Referred to Health, Human Services and Elderly Affairs; <b>HJ 12</b> , PG.190
1/29/2013	H	Public Hearing: 2/7/2013 10:00 AM LOB 205
1/29/2013	H	Executive Session: 2/14/2013 LOB 205 11:00 AM Or One Hour After Governor's Budget Address
2/14/2013	H	Committee Report: Ought to Pass with Amendment #0255h for Mar 6 (Vote 17-0; CC); <b>HC 20</b> , PG.412
2/14/2013	H	Proposed Committee Amendment <b>#2013-0255h</b> ; <b>HC 20</b> , PG.447
3/6/2013	H	Amendment #0255h: AA VV; <b>HJ 24</b> , PG.656-657
3/6/2013	H	<b>Ought to Pass with Amendment</b> #0255h: MA VV; <b>HJ 24</b> , PG.656-657
3/7/2013	S	Introduced and Referred to Health, Education & Human Services
3/26/2013	S	Hearing: 4/2/13, Room 103, LOB, 9:30 a.m.; <b>SC14</b>
4/8/2013	S	Committee Report: Ought to Pass, 4/18/13; <b>SC16</b>
4/18/2013	S	<b>Ought to Pass:</b> MA, VV; OT3rdg;
4/18/2013	S	Enrolled
4/24/2013	H	Enrolled; <b>HJ38</b> , PG.1257
5/20/2013	H	Signed by Governor 05/16/2013; Effective 07/15/2013; Chapter 0027

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB293  ORIGINAL REFERRAL  RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

*NA* HANDOUTS FROM THE PUBLIC HEARING

*NA* PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_ - AMENDMENT # \_\_\_      \_\_\_ - AMENDMENT # \_\_\_  
\_\_\_ - AMENDMENT # \_\_\_      \_\_\_ - AMENDMENT # \_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION      \_\_\_ AS AMENDED BY THE SENATE

\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK

7/24/13

Michael Ellis

BY COMMITTEE AIDE