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CRC ACTION

Commissioner .
Comm: WD .
01/16/2018 .
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The Committee on General Provisions (Gainey) recommended the following:

CRC Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

ARTICLE X

MISCELLANEOUS

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



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11 records made or received in the course of business by a health
12 care facility or provider relating to any adverse medical
13 incident.

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

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

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

22 (2) The term "patient" means an individual who has sought,
23 is seeking, is undergoing, or has undergone care or treatment in
24 a health care facility or by a health care provider.

25 (3) The phrase "adverse medical incident" means medical
26 negligence, intentional misconduct, and any other act, neglect,
27 or default of a health care facility or health care provider
28 that caused or could have caused injury to or death of a
29 patient, including, but not limited to, those incidents that are
30 required by state or federal law to be reported to any
31 governmental agency or body, and incidents that are reported to
32 or reviewed by any health care facility peer review, risk
33 management, quality assurance, credentials, or similar
34 committee, or any representative of any such committees.

35 (4) The phrase "have access to any records" means, in
36 addition to any other procedure for producing such records
37 provided by general law, making the records available for
38 inspection and copying upon formal or informal request by the
39 patient or a representative of the patient, provided that



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40 current records which have been made publicly available by
41 publication or on the Internet may be "provided" by reference to
42 the location at which the records are publicly available.

43 (d) This section does not abrogate the attorney-client
44 privilege or work-product doctrine available under law.

45 (e) A health care facility or health care provider that
46 violates the requirements of this section shall be subject to
47 discipline as provided by law.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete everything before the enacting clause
52 and insert:

53 A proposal to amend
54 Section 25 of Article X of the State Constitution to
55 specify that the patients' right to know about adverse medical
56 incidents does not abrogate attorney-client privilege or work
57 product doctrine available under law and provide that healthcare
58 facilities and providers that violate this section are subject
59 to discipline as provided by law.

60