

A CALL TO IMPROVE PATIENT SAFETY: PASS S. 720

March 10, 2004

Dear Senator:

The undersigned organizations strongly urge the Senate to act now to pass S. 720, the "Patient Safety and Quality Improvement Act of 2003," as favorably reported by the Senate Committee on Health, Education, Labor, and Pensions on July 23, 2003. Patients in our nation are being needlessly harmed because we do not have a system that promotes a culture focused on patient safety and quality improvement. Passing S. 720 would significantly advance an environment in which health care professionals and organizations report and analyze health care errors and share their experiences with others in order to prevent similar occurrences.

In its landmark 1999 report on patient safety, *To Err is Human: Building a Safer Health System*, the Institute of Medicine (IOM) recommended the expanded use of reporting systems to analyze and reduce errors in the health care system. The IOM recognized that reporting systems will not achieve their full potential to foster learning about errors and their prevention without "a more conducive legal environment" in which health care professionals can report errors without increasing the threat of litigation. The IOM therefore recommended that:

Congress should pass legislation to extend peer review protections to data related to patient safety and quality improvement that are collected and analyzed by health care organizations for internal use or shared with others solely for purposes of improving safety and quality. (Recommendation 6.1, p. 96)

Broad agreement on the need for legal protection has emerged from the numerous congressional hearings on patient safety held subsequent to the IOM report.

S. 720 would create a confidential, voluntary reporting system in which physicians, hospitals, and other health care providers could report information on errors to "patient safety organizations" (PSOs). PSOs would collect and analyze "patient safety data" and provide feedback on patient safety improvement strategies. Only patient safety data as defined in the bill would be confidential and legally protected. Information or evidence that is available from sources other than the PSO (e.g., medical records, billing records, discharge forms) would not be privileged or confidential under this bill. Also, state reporting requirements would not be preempted. S. 720 effectively strikes the proper balance between maintaining confidentiality and legal protections for patient safety data, and the need to ensure accountability and patients' legal rights throughout our health care delivery system.

Our collective memberships represent a broad array of interests and perspectives on the issue of health care. We speak in unison, however, on the critical need to improve patient safety and quality. We believe that the benefits of improving patient safety and quality in our nation's health care system are too compelling not to achieve an effective reporting system without delay. Towards this end, we strongly urge you to vote for S. 720.

Respectfully,

American Academy of Child and Adolescent Psychiatry
American Academy of Facial, Plastic and Reconstructive Surgery
American Academy of Family Physicians
American Academy of Neurology
American Academy of Ophthalmology

American Academy of Otolaryngology-Head and Neck Surgery
 American Academy of Pediatrics
 American Academy of Sleep Medicine
 American Association for Thoracic Surgery
 American Association of Clinical Endocrinologists
 American Association of Clinical Urologists
 American Association of Electrodiagnostic Medicine
 American Association of Neurological Surgeons
 American Association of Orthopaedic Surgeons
 American College of Cardiology
 American College of Chest Physicians
 American College of Emergency Physicians
 American College of Gastroenterology
 American College of Medical Quality
 American College of Nuclear Physicians
 American College of Obstetricians and Gynecologists
 American College of Osteopathic Family Physicians
 American College of Osteopathic Surgeons
 American College of Physicians
 American College of Preventive Medicine
 American College of Radiology Association
 American College of Rheumatology
 American College of Surgeons
 American Geriatrics Society
 American Hospital Association
 American Medical Association
 American Medical Directors Association
 American Medical Group Association
 American Osteopathic Association
 American Psychiatric Association
 American Society for Clinical Pathology
 American Society for Therapeutic Radiology and Oncology
 American Society of Addiction Medicine
 American Society of Anesthesiologists
 American Society of Cataract and Refractive Surgery
 American Society of General surgeons
 American Society of Health-System Pharmacists
 American Society of Plastic Surgeons
 American Urological Association
 College of American Pathologists
 Child Neurology Society
 Congress of Neurological Surgeons
 Federation of American Hospitals
 Hawaii Pharmacists Association
 Healthcare Leadership Council
 Institute for Safe Medication Practices
 Joint Commission on Accreditation of Healthcare Organizations
 Medical Group Management Association
 National Association for Medical Direction of Respiratory Care
 Partnership for Patient Safety
 Premier

Renal Physicians Association
 Society for Cardiovascular Angiography and Interventions
 Society for Vascular Surgery
 Society of Critical Care Medicine
 Society of General Internal Medicine
 Society of Hospital Medicine
 Society of Interventional Radiology
 Society of Nuclear Medicine
 Society of Thoracic Surgeons
 U.S. Pharmacopeia
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Medical Association of the State of Alabama
 Alaska State Medical Association
 Arkansas Medical Society
 California Medical Association
 Colorado Medical Society
 Connecticut State Medical Society
 Medical Society of Delaware
 Medical Society of the District of Columbia
 Florida Medical Association
 Idaho Medical Association
 Illinois State Medical Society
 Indiana State Medical Association
 Iowa Medical Society
 Kentucky Medical Association
 MedChi, the Maryland State Medical Society
 Massachusetts Medical Society
 Michigan State Medical Society
 Missouri State Medical Association
 Montana Medical Association
 Nebraska Medical Association
 New Hampshire Medical Society
 Medical Society of New Jersey
 New Mexico Medical Society
 Medical Society of the State of New York
 North Carolina Medical Society
 North Dakota Medical Association
 Ohio State Medical Association
 Oklahoma State Medical Association
 Oregon Medical Association
 Pennsylvania Medical Society
 Rhode Island Medical Society
 South Dakota State Medical Association
 Tennessee Medical Association
 Texas Medical Association
 Vermont Medical Society
 Medical Society of Virginia
 Washington State Medical Association
 Wisconsin Medical Society
 Wyoming Medical Society