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NCOIL UNANIMOUSLY ADOPTS PATIENT SAFETY MODEL LAW, SUPPORTS MEDICAL ERROR REPORTING

San Diego, California, November 21, 2005 — State legislators at the National Conference of Insurance Legislators (NCOIL) Annual Meeting here unanimously adopted on November 19 a *Patient Safety Model Act* that would protect consumers from healthcare errors and that, lawmakers believe, may eventually lead to reduced medical malpractice insurance premiums.

Supported by groups including Consumers Union and The Doctors' Company, the model act would establish mandatory error reporting requirements for hospitals, ambulatory surgical centers, and mental facilities. Events to be reported include wrong-site surgery, death, medication errors, foreign objects left inside patients, suicide, sexual harassment, and hemolytic transfusion reactions as a result of using incompatible blood products, among other "never" events.

A separate section, based substantially on recently enacted New York State law, would establish a mandatory reporting system for hospital infection statistics. The program would feature a one-year phase-in period, during which states would keep the reported data confidential in order to insure the completeness and accuracy of the submitted information.

Both reporting sections include whistleblower and privacy protections.

The patient safety model act, which emanated from the NCOIL Property-Casualty Insurance Committee's investigation into rising medical malpractice insurance premiums, is a joint work product of the P-C and Health Insurance Committees and represents the culmination of more than a year of examination into healthcare error reporting.

Before addressing patient safety, NCOIL had adopted a spring 2004 *Resolution Regarding Medical Malpractice Reform*, which supported certain state reform initiatives. Those efforts included verification of medical mistreatment prior to proceeding with a claim; reasonable caps on non-economic and punitive damages; admission of collateral-source evidence; and a statute of limitations following an injury, or following the time when an injury should have been discovered.

The P-C and Health Insurance Committees unanimously adopted the patient safety model law on November 18 and referred it to the Executive Committee, which unanimously adopted it on November 19.

The NCOIL Annual Meeting was held at the Hilton San Diego Resort in San Diego, California.

NCOIL is an organization of state legislators whose main area of public policy concern is insurance legislation and regulation. Many legislators active in NCOIL either chair or are members of the committee responsible for insurance legislation in their respective state houses across the country. More information is available at www.ncoil.org.

For further details, please contact NCOIL at 518-687-0178.

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