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Health care whistle-blower bill approved by state House

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By Steve Twedt, Pittsburgh Post-Gazette

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Dr. Bridget Chufo

By a 194-0 vote, the Pennsylvania House yesterday approved a bill that offers broader protection for health-care practitioners who report poor patient care or unsafe conditions.

The bill would amend the Medical Care Availability and Reduction of Error Act "to enhance patient safety by establishing meaningful whistle-blower protection and a reporting system for medical errors which is responsive to legitimate concerns."

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It calls for a confidential toll-free line for doctors, nurses and other licensed or certified health workers to report problems. The reports would be investigated by the statewide Patient Safety Authority within 10 days.

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Based on the findings by an independent quality review team, the Department of Health could fine a health care facility up to \$5,000 "for acts or omissions which impair patient safety or the quality of patient care."

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The bill would also prohibit retaliation against those who make good-faith reports.

The bill, sponsored by Montgomery County Republican Mary Ann Dailey and Penn Hills Democrat Anthony DeLuca, now goes to the Senate for consideration.

Despite the unanimous vote, officials at the Hospital and Healthsystem Association of Pennsylvania said yesterday they still oppose the bill.



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"We think it will clutter up the process in a way that won't help patient safety," said Paula Bussard, senior vice president for policy and regulatory services at the association.

"It blurs the lines between the Patient Safety Authority and the Department of Health and creates confusion."

Bussard also questioned the need for the bill, saying current laws offer ample protection and noting that a Patient Safety Authority reporting system for patient care problems will go statewide next week.

"We don't see that it offers physicians any more protection," she said, adding that it may actually inhibit internal discussion on patient care problems as well as raise confidentiality issues.

Dailey, a nurse who is also a member of the Patient Safety Authority, said that doctors, nurses and other licensed or certified staff need protection from outside the hospital.

"This is for those institutions that are dysfunctional" and may retaliate against whistle-blowers, she said.

"In those situations, there has to be another way for the whistle-blower to be able to have the problem addressed."

Dailey introduced the whistle-blower bill following a Pittsburgh Post-Gazette series in October that documented instances in which physicians faced reprisals from their hospitals for speaking up too loudly, or too persistently, for better patient care.

In many instances, the doctors were suspended for being "disruptive" and were reported to the National Practitioner Data Bank, which lists physicians who have lost malpractice judgments or have lost their hospital privileges. Having a data bank report makes it much more difficult to find a position at another hospital, doctors say.

"In an open environment, health care providers will have no reason to invoke whistleblower protection over the internal facility forum already in place," Dailey said.

"This bill is for those situations where health care providers are not in an environment that is receptive to addressing concerns about quality of patient care."

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