

CHAPTER 27
HB 293 – FINAL VERSION

6Mar2013... 0255h

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

ANALYSIS

This bill clarifies the adverse events reporting law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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 27:1 Adverse Events Reporting System. RSA 151:38, I is repealed and reenacted to read as
2 follows:

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

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

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

21 (1) There was an intentional act or reckless behavior;

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

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

25 27:2 Adverse Events Reporting System; Commissioner's Duties and Responsibilities. Amend
26 RSA 151:39, VI to read as follows:

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

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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