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## Senate Bill 6247 Imposes Penalties for Failure to Report Adverse Events

Washington’s adverse health events and incident reporting system sets forth notification and reporting obligations for certain medical facilities, including ambulatory surgical facilities.<sup>1</sup> When a medical facility confirms that an adverse event has occurred, it is required to submit to the Washington State Department of Health (the “Department”) a notification of the event within 48 hours.<sup>2</sup> The notification must include the date of the adverse event, the type of the adverse event, and any additional contextual information the facility chooses to provide.<sup>3</sup> The facility also is required to submit a report to the Department within 45 days.<sup>4</sup> As part of the report, the medical facility must conduct a root cause analysis of the event and describe the corrective action plan that will be implemented or provide an explanation of any reasons for not taking corrective action.<sup>5</sup>

The legislature established the adverse health events and incident reporting system to facilitate quality improvement in the healthcare system and improve patient safety as well as to assist the public in making informed healthcare choices.<sup>6</sup> While the legislature specifically designed the reporting system to decrease medical errors “in a nonpunitive manner,” SB 6247 would require the Department to impose a civil penalty up to \$1,000 per violation per day against a medical facility for each day the medical facility is not in compliance with the notification or reporting requirements under chapter 70.56 RCW. As drafted, SB 6247 could require imposition of such a penalty even for minor failures related to notification or reporting requirements, such as the inadvertent omission of the date of the adverse event on a notification or report. Moreover, the Department would have no discretion with regard to the imposition of the penalty.

If SB 6247 is enacted, physicians and others should consider its impact on their facilities. While SB 6247 would apply to ambulatory surgical facilities licensed pursuant to chapter 70.230 RCW, it would not apply to practitioner offices exempt from the licensure requirements.<sup>7</sup> If a facility were to wrongly assume that it is exempt from the licensure requirements and therefore not submit a required notification or report, it could violate the law inadvertently and be subjected to significant penalties.

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<sup>1</sup> See chapter 70.56 RCW.

<sup>2</sup> RCW 70.56.020(2)(a).

<sup>3</sup> *Id.*

<sup>4</sup> RCW 70.56.020(2)(b).

<sup>5</sup> *Id.*

<sup>6</sup> RCW 70.56.020(1).

<sup>7</sup> RCW 70.56.010(2), (10); RCW 70.230.040(3).

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