

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 4.
- 2 Page 1, line 8, delete "IC 16-40-5-2." and insert "**IC 16-40-5-1.**".
- 3 Page 1, delete lines 11 through 14.
- 4 Page 2, line 9, delete "IC 16-40-5-4." and insert "**IC 16-40-5-2.**".
- 5 Page 2, delete lines 14 through 17.
- 6 Page 2, line 18, delete "2." and insert "**1.**".
- 7 Page 2, delete lines 19 through 27, begin a new line block indented
- 8 and insert:
 - 9 **(1) an independent entity that has been certified as a patient**
 - 10 **safety organization by the federal government; or**
 - 11 **(2) an academic institution if:**
 - 12 **(A) the academic institution is most qualified; or**
 - 13 **(B) there is not a certified independent entity.**".
- 14 Page 2, line 28, delete "4." and insert "**2.**".
- 15 Page 2, line 28, delete "means" and insert "**includes**".
- 16 Page 2, delete lines 34 through 42.
- 17 Page 3, line 1, delete "(10)" and insert "**(4)**".
- 18 Page 3, delete lines 2 through 5.
- 19 Page 3, line 6, delete "5. The" and insert "**3. (a) Subject to**
- 20 **appropriation by the general assembly, the**".

1 Page 3, line 7, delete "for the administration of this chapter." and
 2 insert **"that collects, analyzes, interprets, and disseminates findings**
 3 **on a statewide basis regarding patient safety that are based on**
 4 **confidential and privileged information voluntarily submitted to**
 5 **the agency by:**

- 6 (1) a health care facility;
 7 (2) a health care professional; or
 8 (3) an individual.

9 (b) The state department shall ensure that the agency's board
 10 has sufficient procedures in place to allow the agency to fairly,
 11 objectively, and accurately perform the duties set forth in the
 12 agency's contract under this chapter with the state department.

13 (c) Information submitted by the agency to the state department
 14 may not contain information that identifies the health care
 15 provider or the patient.

16 (d) The agency shall analyze data, develop policies, and
 17 disseminate and assist in the implementation of procedures that
 18 enhance patient safety."

19 Page 3, delete lines 8 through 12.

20 Page 3, line 13, delete "(b)" and insert "Sec. 4."

21 Page 3, line 14, delete "5" and insert "3".

22 Page 3, line 22, delete "Sec. 7." and insert "Sec. 5."

23 Page 3, line 24, delete "6" and insert "4".

24 Page 3, line 34, delete "6" and insert "4".

25 Page 3, line 40, delete "6" and insert "4".

26 Page 4, delete lines 6 through 37.

27 Page 4, line 38, delete "12." and insert "6."

28 Page 5, line 22, delete "A health care facility (as defined in
 29 IC 16-40-5-4) may use a" and insert **"A peer review committee of a**
 30 **health care facility (as defined in IC 16-40-5-2) may submit or**
 31 **disclose to the agency administering IC 16-40-5 the following for**
 32 **purposes of IC 16-40-5:**

- 33 (1) **Communications to the peer review committee.**
 34 (2) **Peer review committee proceedings.**
 35 (3) **Peer review committee records.**
 36 (4) **Determinations by the peer review committee.**

37 **Except as provided in subsection (f), information and materials**
 38 **disclosed to the agency under this subsection are confidential and**

1 **privileged, and the agency may not use or provide the information**
 2 **or material to anyone for use as evidence in an administrative or**
 3 **a civil proceeding.**

4 **(f) The agency may disclose information provided to the agency**
 5 **voluntarily under this chapter for use in a criminal proceeding if**
 6 **a court first makes an in camera determination that the**
 7 **information:**

8 **(1) is relevant to the criminal proceeding;**

9 **(2) is material to the proceeding; and**

10 **(3) is not reasonably available from another source.**

11 **(g) The governing board of a hospital may report, as part of the**
 12 **hospital's quality assessment and improvement program, a**
 13 **determination of a peer review committee of the hospital regarding**
 14 **an adverse event concerning patient care to the state department**
 15 **of health or another state agency without violating this section."**

16 Page 5, delete lines 23 through 38.

17 Page 5, line 42, delete "2007:" and insert "**2008:**".

18 Page 6, line 2, delete "where the state department of health
 19 determines" and insert "**publish the indicators for use by health care**
 20 **facilities.**".

21 Page 6, delete line 3.

22 Page 6, line 4, after "(b)" insert "**The state department of health**
 23 **shall report to the health finance commission established under**
 24 **IC 2-5-23-3 not later than September 1 of each year concerning the**
 25 **implementation of IC 16-40-5, as added by this act.**

26 **(c)".**

27 Page 6, line 4, delete "2008." and insert "**2009.**".

28 Renumber all SECTIONS consecutively.

(Reference is to SB 207 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Miller

Chairperson