



General Assembly

February Session, 2010

Amendment

LCO No. 4737

SB0024804737SD0

Offered by:

SEN. PRAGUE, 19th Dist.

SEN. DEFRONZO, 6th Dist.

To: Subst. Senate Bill No. 248

File No. 246

Cal. No. 189

**"AN ACT CONCERNING ADVERSE EVENTS AT HOSPITALS AND
OUTPATIENT SURGICAL FACILITIES."**

1 In line 24, after the period, insert the following: "A hospital or
2 outpatient surgical facility shall provide a copy of a report submitted
3 to the department, in accordance with the provisions of this section, to
4 a patient, treated or cared for at such hospital or outpatient surgical
5 facility, whose treatment or care is the subject of such report. Such
6 report shall be provided to the patient not later than seven days after
7 the date the report was submitted to the department."

8 After the last section, add the following and renumber sections and
9 internal references accordingly:

10 "Sec. 501. (NEW) (*Effective October 1, 2010*) (a) As used in this
11 section:

12 (1) "Hospital" means an establishment for the lodging, care and
13 treatment of persons suffering from disease or other abnormal physical

14 or mental conditions and includes inpatient psychiatric services in
15 general hospitals; and

16 (2) "Patient" means a natural person who has received health care
17 services from a hospital for treatment of a medical condition or a
18 person designated in writing as the patient's health care representative.

19 (b) Any patient who has been denied access to (1) hospital records
20 after making a request for such records pursuant to sections 4-104 and
21 4-105 of the general statutes, or (2) patient health records after making
22 a request for such records, pursuant to section 19a-490b of the general
23 statutes, may file a written complaint with the Department of Public
24 Health setting forth the facts that are alleged to constitute a violation of
25 said sections of the general statutes. Not later than thirty days
26 following the date of receipt of such complaint, the Commissioner of
27 Public Health or the commissioner's designee shall complete an
28 investigation into the facts alleged in the patient's complaint.

29 (c) If after completing such investigation the commissioner or the
30 commissioner's designee finds that there has been a substantial failure
31 by a hospital to comply with the requirements of section 4-104, 4-105
32 or 19a-490b of the general statutes, the commissioner or the
33 commissioner's designee: (1) Shall order the hospital to disclose the
34 complete hospital or patient health record to the patient not later than
35 five calendar days following the date of the decision; and (2) may
36 impose a civil penalty of not more than five thousand dollars against
37 such hospital, except that, if the commissioner or the commissioner's
38 designee finds that such failure relates to a hospital record or patient
39 health record that contains information concerning an adverse event,
40 as defined in section 19a-127n of the general statutes, as amended by
41 this act, the commissioner or the commissioner's designee may impose
42 a civil penalty of not more than ten thousand dollars against such
43 hospital. In the case of a continuing violation of this section, each day
44 of the continuance of the violation shall be deemed a separate and
45 distinct offense."