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Jeffords wins safety net for health care whistle-blowers

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MONTPELIER — The state's hospitals, nurses and doctors will have a new way to report medical errors without exposing themselves to malpractice lawsuits, under a new federal law sought for five years by Sen. James Jeffords, I-Vt.

The law, signed Friday by President Bush after first being introduced by Jeffords in 2000, means that health care providers from all over the country can start sharing information about mistakes, errors and near-errors with the aim of reducing injury and death, according to the president of the Vermont Medical Society.

"We've had no mechanism where we can report these and at the same time protect ourselves from malpractice lawsuits," said Dr. Harvey Reich, director of critical care medicine at Rutland Regional Medical Center and president of the state's main physicians organization.

"Self preservation dictated that you didn't say too much because you'd be scared about being sued," Reich said. "No one wants to do bad care, no one wants to have a mistake. This system will allow us to put changes in place to prevent them from happening."

Jeffords introduced the bill after a 1999 study by the Institute of Medicine showed that 98,000 people a year died as the result of medical errors in American hospitals — more than those who die from AIDS, breast cancer or motor vehicle accidents.

"Reducing the number of needless injuries and deaths is in everyone's best interest," Jeffords said in a statement. The new law "will go a long way in doing just that."

His staff said Monday he was unavailable to comment.

The law does not mandate that health care providers report their mistakes, nor does it impose any sanctions on doctors, nurses or hospitals for failing to report. It directs the Health

and Human Services Agency to develop national reporting standards while providing a forum for detecting and correcting systemic problems, Jeffords' statement said.

The law allows health care providers to "report and analyze medical errors, without fear of being sued and without compromising patients' legal rights," according to Jeffords' office.

That is the most important part of the new law, according to Reich, who has practiced medicine for 18 years. He said that years ago, doctors often published articles in medical journals discussing problems and errors.

"You don't see that any more, and that's too bad," he said. "It used to be standard, but it has become more like sending a message to lawyers to come after me."

The new law will set up "patient safety organizations," where health care providers can make their reports. These groups will then develop ways to identify and fix reported errors in the future, perhaps leading to public dissemination of errors and best practices.

Indeed, many in the health care industry have acknowledged, according to a recent report in the Chicago Tribune, that errors are severely underreported. According to the article, the Joint Commission on Accreditation of Healthcare Organizations receives fewer than 1,000 reports of medical errors a year. The group accredits more than 15,000 health care organizations, including 5,000 hospitals.

The law was supported by medical societies, insurers, hospital accreditation organizations and large employers.

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