



## **Congress Should Pass Patient Safety Legislation Now**

**Issue:** Congress is currently considering legislation to encourage voluntary reporting of medical errors. Key House Committees have already passed bills. As the Institute of Medicine (IOM) report, *To Err is Human, Building a Safer Health System* documented, the persistence of poor quality and an alarming rate of medical errors plagues our health care system. Fear of adverse employment actions and increased risk of medical malpractice litigation currently deter providers from reporting information. Furthermore, few feedback mechanisms are currently in place to use reported information to improve care systems and processes.

**Position:** The National Business Group on Health, representing over 230 large employers who provide coverage for 50 million Americans, supports the Institute of Medicine recommendations for both mandatory and voluntary reporting of medical errors. Both types of reporting systems are urgently needed to protect patients and to improve the quality of health care. Although current proposals only encourage the voluntary reporting of medical errors and “near misses,” the Business Group supports passage as a first step toward safer, better quality care for Americans. The voluntary system should be non-punitive and also provide for analysis and systemic feedback. Every effort should be made to promote learning from mistakes to improve quality of care and reduce future medical errors. To encourage reporting of information, such information should be prohibited from use in court and those who provide it should be protected from any adverse personnel actions based solely on the information reported. The Business Group strongly encourages Congress to consider legislation to establish a mandatory reporting system for medical errors as the next step toward a better health care system.

### **Efforts to Promote Reporting of Medical Errors Are Needed Because:**

#### **Too Many Americans Are Injured or Die as A Result of Preventable Medical Errors**

- The IOM found that between 44,000 and 98,000 deaths occur in hospitals alone each year as a result of preventable adverse events, making medical errors the eighth leading cause of death. Countless more are injured as a result of preventable medical mistakes.

#### **The Current Health Care and Legal Climate Encourages Hiding of Medical Errors**

- Fear of malpractice litigation and adverse employment consequences encourage physicians and other health professionals to keep silent about medical errors. Similarly, some hospitals resist reporting certain adverse outcomes, because they fear the information will be used in court.