

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30187-LN-192 (4/7)

Short Title: Patient Safety Act.

(Public)

Sponsors: Representative L. Allen.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON
PROMOTING PATIENT SAFETY IN THE PROVISION OF HEALTH CARE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Commission Established. – There is established the Joint Legislative Study Commission on Promoting Patient Safety in the Provision of Health Care. The mission of the Commission is to bring representatives from all aspects of health care together to hold open and comprehensive discussions about issues affecting patient safety in the delivery of health care.

SECTION 1.(b) Membership. – The Commission shall consist of 25 members as follows:

- (1) The President Pro Tempore of the Senate shall appoint 11 members: four from the Senate and one representative from each of the following:
 - a. The North Carolina Medical Society;
 - b. The North Carolina Hospital Association;
 - c. The North Carolina Nurses Association;
 - d. Health insurers;
 - e. The North Carolina Association of Pharmacists;
 - f. A retired superior court judge who is not currently a sitting judge but who has experience presiding over civil litigation in this State, recommended by the North Carolina Bar Association; and
 - g. The North Carolina Health Care Facilities Association.
- (2) The Speaker of the House of Representatives shall appoint 11 members: four from the House of Representatives and one representative from each of the following:

- 1 a. The North Carolina Medical Society;
2 b. The North Carolina Hospital Association;
3 c. Pharmaceutical Research and Manufacturers of America, Inc.,
4 its local affiliates or a comparable professional association
5 located in this State;
6 d. Managed care organizations;
7 e. Association of Community Pharmacists, Inc.;
8 f. A retired superior court judge who is not currently a sitting
9 judge but who has experience presiding over civil litigation in
10 this State, recommended by the North Carolina Academy of
11 Trial Lawyers; and
12 g. The Institute for Public Health, University of North Carolina at
13 Chapel Hill School of Public Health.

- 14 (3) The Governor shall appoint three members who represent patient
15 advocacy and consumer organizations and are not practicing attorneys.

16 **SECTION 1.(c) Duties.** – The Commission shall study current activities
17 being conducted by hospitals and other health care providers to address patient safety in
18 the provision of health care in this State and shall determine the actions that should be
19 taken, including legislative actions and collaboration among agencies and other
20 individuals and entities, to substantially enhance and promote patient safety.

21 **SECTION 1.(d) Reports.** – The Commission shall submit a final written
22 report of its findings and recommendations to the General Assembly not later than the
23 convening of the 2007 General Assembly. The Commission may submit a progress
24 report to the 2006 Regular Session of the 2005 General Assembly upon its convening.
25 The reports shall also include legislative proposals necessary to implement the
26 Commission's recommendations and an analysis of the fiscal impact of each
27 recommendation. The Commission shall terminate upon the earlier of the filing of its
28 final report.

29 **SECTION 1.(e) Expenses of Members.** – Members of the Commission shall
30 be paid per diem, subsistence, and travel expenses as follows:

- 31 (1) Commission members who are members of the General Assembly
32 shall be paid in accordance with G.S. 120-3.1.
33 (2) Commission members who are officials or employees of the State or
34 local government agencies shall be paid in accordance with
35 G.S. 138-6.
36 (3) All other Commission members shall be paid in accordance with
37 G.S. 138-5.

38 **SECTION 1.(f) Cochairs; Meetings.** – The Speaker of the House of
39 Representatives shall appoint a cochair, and the President Pro Tempore of the Senate
40 shall appoint a cochair for the Commission from their respective appointees. The
41 Commission shall meet upon the call of the chairs. A majority of the Commission
42 members shall constitute a quorum. The Commission may meet during a regular or
43 special session of the General Assembly, subject to the approval of the President Pro
44 Tempore of the Senate and the Speaker of the House of Representatives. The

1 Legislative Services Commission may provide meeting space to the Commission in the
2 State Legislative Building or in the Legislative Office Building.

3 **SECTION 1.(g)** Staff. – With the prior approval of the Legislative Services
4 Commission, the Legislative Services Officer shall assign professional staff to assist in
5 the work of the Commission.

6 **SECTION 1.(h)** Cooperation by Government Agencies. – The Commission
7 may call upon any department, agency, institution, or officer of the State or any political
8 subdivision of the State for facilities, data, or other assistance. All State departments and
9 agencies, local governments, and their subdivisions shall cooperate with the
10 Commission and, upon request, shall furnish the Commission and its staff any
11 information in their possession or available to them.

12 **SECTION 2.** From funds appropriated to the General Assembly, the
13 Legislative Services Commission shall allocate fifty thousand dollars (\$50,000) for the
14 expenses of the Commission established by this act.

15 **SECTION 3.** This act becomes effective July 1, 2005.