

# MAINE STATE LEGISLATURE

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Date: 3/31/8

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Majority

HEALTH AND HUMAN SERVICES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1428, L.D. 2044, Bill, "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

Amend the bill by striking out the title and substituting the following:

**'An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §1721 is enacted to read:

**§1721. Prohibition on payment for health care facility mistakes or preventable adverse events**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Health care facility" means a hospital or ambulatory surgical center licensed under chapter 405.

B. "Mistake or preventable adverse event" means any of the following events that is within the health care facility's control to avoid:

- (1) Surgery performed on the wrong body part;
- (2) Surgery performed on the wrong patient;
- (3) The wrong surgical procedure performed on a patient;
- (4) Unintended retention of a foreign object in a patient after surgery or another procedure;

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT “*A*” to H.P. 1428, L.D. 2044

- 1           (5) Intraoperative or immediately postoperative preventable death of a patient  
2           classified as a normal healthy patient under guidelines published by a national  
3           association of anesthesiologists;
- 4           (6) Patient death or serious disability caused by the use of contaminated drugs,  
5           devices or biologics provided by a hospital or ambulatory surgical center;
- 6           (7) Patient death or serious disability caused by the use or function of a device in  
7           patient care in which the device is used for functions other than as intended;
- 8           (8) Patient death or serious disability caused by an intravascular air embolism  
9           that occurs while being cared for in a health care facility;
- 10           (9) An infant's being discharged to the wrong person;
- 11           (10) Patient death or serious disability caused by a patient's elopement for more  
12           than 4 hours;
- 13           (11) Patient suicide or attempted suicide resulting in serious disability while  
14           being cared for in a health care facility;
- 15           (12) Patient death or serious disability caused by a medication error such as an  
16           error involving the wrong drug, wrong dose, wrong patient, wrong time, wrong  
17           rate, wrong preparation or wrong route of administration;
- 18           (13) Patient death or serious disability caused by a hemolytic reaction due to the  
19           administration of incompatible blood or blood products;
- 20           (14) Maternal death or serious disability caused by labor or delivery in a low-risk  
21           pregnancy while being cared for in a health care facility;
- 22           (15) Patient death or serious disability caused by hypoglycemia, the onset of  
23           which occurs while the patient is being cared for in a health care facility;
- 24           (16) Death or serious disability caused by failure to identify and treat  
25           hyperbilirubinemia in neonates prior to discharge;
- 26           (17) Stage 3 or 4 pressure ulcers acquired after admission to a health care facility;
- 27           (18) Patient death or serious disability due to spinal manipulative therapy;
- 28           (19) Patient death or serious disability caused by an electric shock while being  
29           cared for in a health care facility;
- 30           (20) Any incident in which a line designated for oxygen or other gas to be  
31           delivered to a patient contains the wrong gas or is contaminated by toxic  
32           substances;
- 33           (21) Patient death or serious disability caused by a burn incurred from any  
34           source while being cared for in a health care facility;
- 35           (22) Patient death caused by a fall by a patient who was or should have been  
36           identified as requiring precautions due to risk of falling while being cared for in a  
37           health care facility;





# 123rd MAINE LEGISLATURE

LD 2044

LR 2917(02)

**An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor savings - General Fund

### Fiscal Detail and Notes

Any quantifiable savings to the state health insurance program that may result from the bill are expected to be minor.