

## ADOPTED AS AMENDED

### RECOMMENDATION

1 RESOLVED, That the American Bar Association urges federal, states, and territorial  
2 legislative bodies to adopt legislation ~~creating~~ establishing pilot programs that enable and  
3 encourage medical personnel to report hospital events which, if repeated, could threaten patient  
4 safety.

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6 FURTHER RESOLVED, That the elements of such programs should include:

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8 A. That medical personnel who report include, but are not limited to, doctors, nurses,  
9 and other hospital employees; with patient care responsibilities, both public and  
10 private, ~~and all other healthcare workers and providers~~;  
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12 B. That the events reported are those which are medical in nature and did not result  
13 in harm to a patient but which might have resulted in harm;  
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15 C. That the reports be made, to the extent possible within the context of already  
16 existing reporting mechanisms within federal or state agencies and accrediting  
17 bodies, to an independent entity or entities designated by the federal, state or  
18 territorial legislative bodies, and be provided immediately to hospital  
19 administration and to risk management departments; and, with the exception of  
20 the identity of any individual or provider, be reported to the public.  
21  
22 D. That the anonymity of all persons making good faith reports is guaranteed by law;  
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24 E. That any person making a report in good faith shall be immune from civil liability  
25 and may not be required to testify in any civil proceedings about the contents of  
26 the report;  
27  
28 F. That a report made in good faith shall not be admissible or discoverable in any  
29 legal or administrative proceeding;  
30  
31 G. That a group of medical experts, such as the Institute of Medicine, shall be  
32 ~~appointed~~ consulted to identify the types of hospital events to be reported;  
33  
34 H. ~~That data compiled, with the exception of the identity of any individual or~~  
35 ~~hospital, will be made available to the public.~~

(Deletions struck through; Additions underlined)