



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

DATE: December 3, 2004

BOARD MEETING DATE: December 7, 2004

TO: Honorable Board of Supervisors

FROM: Supervisor Mark Church and Supervisor Mike Nevin

SUBJECT: Proposed Ordinance Providing for the Reporting of Unusual Occurrences Regarding the Provision of Health Care That Occur in County Operated Health Care Facilities

Recommendation

ADOPT AN ORDINANCE ADDING CHAPTER 2.207 TO TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE PROVIDING FOR THE REPORTING OF UNUSUAL OCCURRENCES REGARDING THE PROVISION OF HEALTH CARE THAT OCCUR IN COUNTY OPERATED HEALTH CARE FACILITIES

Background

In August 2004, a tragic death occurred at the San Mateo County Medical Center, which has led to a review of hospital procedures and the reporting of such events. While we have been assured by the hospital that there are mandatory reporting requirements to state and federal agencies, there may be instances of hesitancy on behalf of health care workers to make reports for fear of retaliation. In order to ensure reporting of an unusual event and to ensure that there be no retaliation for such reporting, we are recommending the proposed ordinance. This ordinance was sent to the Board of Directors of the San Mateo Medical Center as well as the Director of Health Services for their comment.

Discussion

The County of San Mateo has a paramount interest in providing the highest standard of health care at its facilities. To further this interest, employees of the San Mateo Medical Center and clinics and members of the public should be encouraged to report unusual occurrences in the County's health care facilities. The ordinance defines an unusual occurrence as an unexpected event involving death or serious

physical or psychological injury, or the risk thereof. Serious injury includes loss of limb or function. These reports should trigger appropriate investigations so that the hospital can take the necessary steps to address the incidents, including any necessary systemic changes to minimize or prevent such occurrences.

This ordinance provides for the reporting by employees involved in the incident, other employees who believe an event occurred, and reporting by members of the public. In order to have the reporting system be effective, employees should be mandated to make such reports. Medical professionals have suggested that volunteer reporting may not occur due to an individual's fear of retaliation. While this ordinance mandates such reporting by employees, it also provides them whistleblower like protection from any retaliation by county officers or employees.

The ordinance further provides that the appropriate Department Head shall promptly plan and conduct an appropriate investigation and notify the County Manager, the County Board of Supervisors and other County offices as appropriate.

Throughout the investigative process, all involved parties will treat the report and related information as confidential unless otherwise necessary to conduct the investigation. Any disclosure of information shall be done in such a manner as to not violate state or federal laws regulating the privacy of protected health care information.

Vision Alignment

This ordinance helps to ensure the basic health and safety for all and to have a responsive, effective and collaborative government.

Fiscal Impact

None.



SUPERVISOR MARK CHURCH



SUPERVISOR MIKE NEVIN

cc: John Maltbie, County Manager
Board of Directors, San Mateo Medical Center
Nancy Steiger, CEO, San Mateo Medical Center
Charlene Silva, Director Health Services Agency