

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,

STATE OF CALIFORNIA

*** * * * ***

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

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

Section 1. Chapter 2.207, Sections 2.207.010 to 2.207.040, is hereby added to Title 2 of the San Mateo County Ordinance Code as follows:

Chapter 2.207 REPORTING OF UNUSUAL OCCURRENCES REGARDING THE PROVISION OF HEALTH CARE THAT OCCUR IN COUNTY OPERATED HEALTH CARE FACILITIES

Section 2.207.010. PURPOSE

The County of San Mateo has a paramount interest in protecting the health and safety of the public and in providing the highest standard of health care. To further this interest, employees of the Health Services Agency, the San Mateo Medical Center and clinics, contractors who perform health care services at County operated health care facilities and members of the public should be encouraged to report to their supervisor unusual occurrences in health care facilities operated by the County. These reports shall be done in such a manner as to not violate state or federal laws regulating the privacy of protected health care information. An unusual occurrence is an unexpected event involving death or serious physical or psychological injury, or the risk thereof. Serious injury includes loss of limb or function.

This ordinance also protects all those employees who make such report from retaliation from reporting the event or providing information about the event.

Section 2.207.020 REPORTING OF UNUSUAL OCCURRENCES REGARDING THE PROVISION OF HEALTH CARE

(a) Reporting by Self

Any employee of the Health Services Agency or the San Mateo Medical Center

and clinics, or any contractor who performs health care services at County operated health care facilities, must report unusual occurrences involving the provision of health care rendered by that employee to his or her supervisor/manager as soon as the individual is aware of the event. The supervisor/manager will report the event to the Department Head in order to plan and conduct an investigation in accordance with Section 2.207.030 and to assure that all reasonable steps have been taken to prevent similar occurrences.

(b) Reporting by Others in the Workforce

Any employee of the Health Services Agency, the San Mateo Medical Center and clinics, or any contractor who performs health care services at County operated health care facilities, who believes that an unusual occurrence involving the provision of health care has occurred at a County operated health care facility must immediately report the event to his/her supervisor/manager. The supervisor/manager will report the event to the Department Head in order to plan and conduct an investigation in accordance with Section 2.207.030 and to assure that all reasonable steps have been taken to prevent similar occurrences.

(c) Reporting by Members of The Public

A patient, healthcare professional (who is not an employee or contractor), or any other member of the public who believes that an unusual occurrence involving the provision of health care has occurred at a County operated health care facility, should be advised by staff to immediately report the incident to a supervisor/manager. The supervisor/manager will report the event to the Department Head in order to plan and conduct an investigation in accordance with Section 2.207.030 to assure that all reasonable steps have been taken to prevent similar occurrences.

Section 2.207.030. INVESTIGATION

Upon notification of the unusual occurrence the Department Head of the applicable department shall promptly plan and conduct an appropriate investigation. The Department Head shall also notify the County Manager within twenty four hours of any unusual occurrence. The County Manager in consultation with the County Counsel shall notify the Board of Supervisors and other County offices as appropriate. Depending on the nature of the incident, the investigation may involve departmental management, Employee Relations and/or appropriate licensing and law enforcement agencies.

(a) Throughout the investigative process, all involved parties will treat the report and related information, including but not limited to information gathered and prepared in the course of the investigation of the incident, 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.

(b) In situations potentially warranting involvement from law enforcement and or licensing agencies, the District Attorney and/or the County Counsel shall determine what action or referral should be made.

(c) At the conclusion of the investigation, the Department Head will take the necessary steps to address the incident, including any necessary systemic changes to minimize or prevent reoccurrence of any such incident.

(d) The Board of Supervisors at its discretion may conduct its own investigation of an unusual occurrence whenever the Board determines that such further investigation is warranted.

Section 2.207.040. NO RETALIATION

Any retaliation or reprisal by any County officer or employee against any complainant or informant for reporting an unusual occurrence is strictly prohibited and any act of retaliation or reprisal is subject to appropriate disciplinary action, which may include dismissal; provided, however, if it is determined that a complaint was filed by a County employee in bad faith, said employee may be subject to appropriate disciplinary action. This prohibition against retaliation is in addition to the protections contained in Labor Code section 1102.5, and any amendment thereto.

Section 2. This Ordinance shall be effective thirty (30) days from the passage date thereof.
