

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF HEALTH

F I N A L M I N U T E S

MEETING OF:

PATIENT SAFETY AUTHORITY

TIME: 9:40 A.M.

HARRISBURG AREA COMMUNITY COLLEGE
WILDWOOD CONFERENCE CENTER

ONE HACC DRIVE
HARRISBURG, PENNSYLVANIA

AUGUST 13, 2002

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2 **Patient Safety Authority**3 **August 13, 2002**

4

5 Board Members Present:

6

7 Robert S. Muscalus, D.O., Chairperson, Pennsylvania
8 Physician General

9 Joan M. Garzarelli, MSN

10 Lorina L. Marshall-Blake

11 Danae Powers, M.D.

12 Stanton N. Smullens, M.D.

13 Nathan J. Zuckerman, M.D.

14 Cliff Rieders, Esquire

15 Howard F. Messer, Esquire

16 S. Marc Land, Esquire

17 The Hon. Mary Ann Dailey

18 Sallie Rodgers, Board Council

19

20 Board Members Absent:

21

22 Patricia Clancy Kienle, R.Ph.

23

24 Also Present:

25

26 Richard H. Lee, M.P.A.

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Deputy Secretary for Quality Assurance

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Pennsylvania Department of Health

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Stacy R. Schwartz, Office of the Physician General

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Bridget L. Racis, Office of the Physician General

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John Combes

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York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

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Patient Safety Authority
Meeting of August 13, 2002

The regularly scheduled meeting of the Patient Safety Authority was held on Tuesday, August 13, 2002. The meeting was called to order at 9:40 a.m. by Robert S. Muscalus, D.O, Chairperson.

[Howard F. Messer, Esquire, introduced himself to the Board and provided a brief overview of his background and experience.]

Approval of Minutes

DR. SMULLENS:

I move to approve the minutes as distributed.

MS. MARSHALL-BLAKE:

Second.

DR. MUSCALUS:

Any discussion, corrections, additions, deletions to the minutes? All those in favor signify by saying aye. Opposed?

1 [The motion carried unanimously.]

2 ***

3 [Robert S. Muscalus, D.O. introduced Richard H. Lee,
4 Deputy Secretary for Quality Assurance followed by a
5 brief overview of background and duties within the
6 Department of Health.]

7 ***

8 Department of Health Update on Act 13 Activities
9 [Richard H. Lee, M.P.A., Deputy Secretary for Quality
10 Assurance, Department of Health, met with the Board at
11 9:45 a.m. to present working documents that provide an
12 overview of the Department's responsibilities/roles
13 relative to Act 13. Mr. Lee first addressed the
14 process and mechanics by which the contribution of \$5
15 million from Providers during year one will be
16 procured.]

17 ***

18 [Danae Powers, M.D. entered the meeting at 9:52 a.m.
19 and Sallie Rodgers entered the meeting at 9:54 a.m.]

20 ***

21 [Mr. Lee next addressed patient safety plans. He
22 reported that to date the Department has received 227
23 plans from hospitals and 120 plans from ambulatory

1 surgical facilities. Mr. Lee noted there is a 60-day
2 time period to review the plans which is currently
3 being conducted by field staff. Mr. Lee next
4 addressed confidentiality of reports received, patient
5 safety discounts and data concerning patient
6 reporting. The Board engaged in a substantive
7 discussion concerning what constitutes a "serious
8 event" and the mechanisms in place by which healthcare
9 workers may report serious events in accordance with
10 the whistleblower law. Discussion was also held
11 concerning PSA's role in investigating serious events
12 received by an anonymous report when it is not
13 convinced that the facility did an adequate review of
14 the event. Dr. Muscalus noted that it may be
15 advantageous in the future for the PSA to spend money
16 on educating hospitals and healthcare professionals to
17 better inform them of what the Authority is, what it
18 is not, what it does and what their rights and
19 obligations are under the Act. Mr. Lee continued with
20 his update on Act 13 activities to discuss the process
21 by which PSA will begin to collect "event"
22 information. Mr. Lee concluded his report to note
23 that pilot testing is occurring at the present time

1 with two facilities and that three or four training
2 sessions are scheduled. Mr. Lee concluded by
3 providing an explanation for the following responsible
4 party codes as follows: Richard H. Lee is DSQA, Deputy
5 Secretary for Quality Assurance. FL&C is the Bureau
6 of Facility Licensure and Certification, which
7 regulates hospitals and ambulatory surgical
8 facilities. DAAC is Division of Acute and Ambulatory
9 Care, a division within FL&C. OLC is Office of Legal
10 Counsel, managed by Lori McLaughlin, Esquire.
11 Administrative Unit is a small group of people who do
12 contracts and budget and overall management.
13 Insurance is the Insurance Department.]

14 ***

15 [Recess from 11:10 a.m. to 11:20 a.m.]

16 ***

17 Report of Board Chair

18 [Robert S. Muscalus, D.O. addressed the Board at 11:22
19 a.m. to review and discuss reply correspondence from
20 Secretary Michael Weaver, Department of State,
21 concerning liability coverage and full indemnity for
22 the PSA Board members through the Commonwealth.
23 Various members of the Board expressed a desire to

1 ascertain what the coverage limits are provided by the
2 Commonwealth in order to determine whether they desire
3 to purchase additional coverage. Dr. Muscalus also
4 noted he will be attending a public meeting in
5 Philadelphia during the month of September where PSA
6 will receive an official answer from the Ethics
7 Commission with regard to what extent, if any, it must
8 adhere to the guidelines set forth by the Commission.
9 Dr. Muscalus next provided the Board with a copy of
10 the amended bylaws. Dr. Muscalus concluded his report
11 to note that the Patient Safety Fund has been
12 established and that a decision will need to be made
13 concerning where the administrative authority will
14 reside within State Government. Dr. Muscalus opined
15 it is his sense/hope that the authority will "end up
16 residing under the Office of Administration," stating
17 that he is optimistic it will be accomplished "within
18 the next few weeks."]

19 ***

20 Report of Board Council

21 [Sallie Rodgers addressed the Board at 11:35 a.m. to
22 stress that it is very important for the PSA to focus
23 on what its statutory role is, which is to analyze

1 information and make recommendations in order to
2 improve patient safety in Pennsylvania. Dr. Muscalus
3 pointed out that PSA "has the ability to communicate
4 in the appropriate way to the appropriate place" about
5 various concerns it may have. Ms. Rodgers also
6 advised Dr. Muscalus concerning the process that
7 should be followed in handling requests for copies of
8 the bylaws and minutes.]

9 ***

10 Committee Report on Contractor Selection

11 Process/Discussion

12 [At 11:42 a.m. Robert S. Muscalus, D.O. provided the
13 Board with a summary of the conference call that the
14 Committee had concerning the utilization of a sole-
15 source contract or an RFP. Dr. Muscalus noted that
16 the Committee reached a unanimous decision to proceed
17 in using the RFP mechanism.]

18 MR. LAND:

19 I move that we proceed with the RFP process.

20 DR. SMULLENS:

21 Second.

22 DR. MUSCALUS:

23 Any discussion? All those in favor please

1 say aye. Opposed?

2 [The motion carried unanimously.]

3 ***

4 [The Board engaged in a discussion concerning the use
5 of a sole-source contractor to write the RFP. Dr.
6 Muscalus pointed out there might be value in getting
7 input from outside parties, i.e., the hospital
8 association and medical societies, about what they
9 would like to see considered within the RFP from their
10 perspective. Ms. Rodgers pointed out that PSA cannot
11 begin to work with the sole-source contractor until
12 there is a fully executed contract signed off by the
13 Office of Attorney General. The consensus was to
14 establish a subcommittee consisting of Nathan J.
15 Zuckerman, M.D., Stanton N. Smullens, M.D., Cliff
16 Riders, Esquire, Danae Powers, M.D., Howard F. Messer,
17 Esquire, Lorina L. Marshall-Blake, S. Marc Land,
18 Esquire and Joan M. Garzarelli, MSN, to be responsible
19 for identifying the contractor and initiating the RFP
20 writing process.]

21 ***

22 [Dr. Muscalus noted that if a meeting is held in
23 September it will be held via conference call for the

1 purpose of providing an update on the RFP process.
2 Dr. Muscalus suggested that the company/companies
3 selected to write the RFP appear before the Board by
4 November/December for a question and answer session in
5 order to make a final selection by January.]

6 ***

7 Adjournment

8 DR. POWERS:

9 I move to adjourn.

10 MS. MARSHALL-BLAKE:

11 Second.

12 DR. MUSCALUS:

13 We are adjourned.

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15 [The meeting was adjourned at 12:01 p.m.]

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Brad Weirich,
Minute Clerk,
York Stenographic Services

1			PATIENT SAEFTY AUTHORITY
2			REFERENCE INDEX
3			AUGUST 13, 2002
4			
5		COUNTER	
6	TIME	NUMBER	AGENDA
7			
8	9:40	0076	Call to Order, Robert S. Muscalus,
9			D.O, Physician General
10			
11	9:42	0168	Approval of Minutes
12			
13	9:45	0346	Department of Health Update on Act
14			13 Activities, Richard H. Lee,
15			M.P.A., Deputy Secretary for
16			Quality Assurance
17			
18	11:10 to 11:22		Recess
19		Tape #2	
20	11:22	0013	Report of Board Chair, Robert S.
21			Muscalus, D.O.
22			
23	11:35	0543	Report of Board Council, Sallie
24			Rodgers
25			
26	11:42	1152	Committee Report on Contractor
27			Selection Process/Discussion
28			
29	12:01		Adjournment