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FINAL MINUTES

**MEETING OF:
PATIENT SAFETY AUTHORITY**

ONE HALL DRIVE
WILDWOOD CONFERENCE CENTER
HARRISBURG, PA

TIME: 11:08 a.m.

DATE: February 6, 2006

1 Patient Safety Authority

2 February 6, 2006

3

4 Board Members

5 Anita Fuhrman, RN, BS
6 Joan M. Garzarelli, RN, MSN (Telephone)
7 Roosevelt H. Hairston, Esquire
8 Lorina L. Marshall-Blake
9 Gary A. Merica, R.Ph. (Telephone)
10 Cliff Rieders, Esquire
11 Stanton N. Smullens, M.D.
12 Marshall W. Webster, M.D.
13 Nathaniel J. Zuckerman, M.D.

14

15 Authority Personnel

16 Alan B.K. Rabinowitz, Board Administrator
17 Sharon L. Hutton, Administrative Assistant
18 Laurene Baker, Communications Director

19

20 Also Present

21 John Clarke, M.D., ECRI, PA-PSRS Clinical Director
22 Bill Marella, ECRI, PA-PSRS Project Manager
23 Mike Doering, PA-PSRS Project Manager
24 Denise Shope, Patient Safety Officer,
25 Geisinger Health System

1 ***

2 PATIENT SAFETY AUTHORITY

3 The regularly scheduled meeting of the Patient
4 Safety Authority was held on Monday, February 6, 2006.
5 Lorina Marshall-Blake, Acting Chairperson, called the
6 meeting to order at 11:08 a.m.

7 ***

8 Approval of Minutes of the January 10, 2006, meeting.

9 MS. MARSHALL-BLAKE:

10 The first thing we'll do is move for the
11 adoption of our minutes from January 10,
12 2006, if you've all had the opportunity to
13 review them. I think we've had them prior
14 to.

15 DR. ZUCKERMAN:

16 So moved.

17 MS. MARSHALL-BLAKE:

18 All right. Is there a second?

19 DR. SMULLENS:

20 Second.

21 MS. MARSHALL-BLAKE:

22 Okay. All those in favor? We don't have to
23 do that by a voice vote, do we, Sharon?

24 MS. HUTTON:

25 No.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Administrator

4 [Mr. Rabinowitz reported that planning for the two-day
5 intensive training course on Root Cause Analysis is
6 moving forward. Training will be held either in the
7 Harrisburg-Hershey or State College area on May 31 and
8 June 1, 2006. A minimum of two representatives from
9 any one facility will be required with up to four
10 allowable. The registration form will describe job
11 requirements and skills for RCA team eligibility. A
12 modest registration fee will be required to guarantee
13 a level of commitment by facilities. Mr. Rabinowitz
14 noted that he has been in touch with Dr. James Bagian
15 to develop the curriculum, and the Authority will soon
16 be sending a "Save the Date" notice to all facilities.
17 Mr. Rabinowitz then informed the Board there he
18 recently met with staff from the Department of Health
19 for their ongoing quarterly meetings. They discussed
20 IT system changes that are being made, but there were
21 no significant issues or problems. Mr. Rabinowitz
22 briefly mentioned the Right-to-Know request which the
23 Authority received and which had been copies to each
24 of the Board members. He advised the Board that the
25 request would be handled consistent with the

1 Authority's usual protocols and formal Right-to-Know
2 Policy. Mr. Rabinowitz next reported that the annual
3 User Survey has been completed. An electronic survey
4 was sent out to evaluate users' responses to the PA-
5 PSRS system to see how they're using it, obtain
6 examples of lessons learned and receive other feedback
7 and experiences from facilities. Mr. Marella stated
8 that responses were received from 180 facilities. Mr.
9 Rabinowitz also informed the Board that they
10 participated in a statewide, public telephone survey
11 conducted by Penn State. The Authority submitted a
12 number of questions related to citizen attitude
13 towards patient safety and their personal experiences.
14 This survey will hopefully serve as a benchmark for
15 future surveys assessing changes in public experiences
16 or attitudes about patient safety. Mr. Rabinowitz
17 next offered an update on the interface program.. A
18 letter will be sent out to all facility CEOs
19 announcing that interface capability will be made
20 available to anyone who's interested. An e-mail is
21 also being sent to each of the Patient Safety Officers
22 which contains more technical information. In response
23 to Board discussion, Mr. Rabinowitz reminded the Board
24 that the Interface will only include Incident reports,
25 (which account for 95% of all reports and which don't

1 impact the Department of Health). In closing, Mr.
2 Rabinowitz noted that the PA-PSRS database passed the
3 quarter million mark.]

4 ***

5 Legislative Update

6 [Mr. Rabinowitz and Laurie Baker briefly mentioned
7 legislative activity that relates to patient safety.
8 Ms. Baker noted that House Bill 1591, which adds
9 abortion facilities to those facilities subject to Act
10 13 reporting requirements, passed the House and moved
11 to the Senate. Also, House Resolution 550 was
12 introduced which calls on the Department of Health to
13 study the issue of color-coded wristbands which was
14 identified by the Authority in a recent Patient Safety
15 Advisory.]

16

17 PA-PSRS Update

18 [Mr. Rabinowitz mentioned that the Authority had
19 received a couple of new Anonymous Reports. One
20 Anonymous Report is still under study so it is pending
21 Dr. John Clarke's analysis and review. Mr. Rabinowitz
22 asked Dr. Clarke to discuss another Anonymous Report
23 received on December 28, 2005. He stated that the
24 institution had arrived at a decision that this was an
25 Incident and that that decision was justifiable under

1 the definitions. There was discussion among the
2 members about this incident from both a clinical and
3 an administrative/management perspective, as well as
4 the protocols for submitting an Anonymous Report and
5 the Authority's response.]

6 ***

7 MR. RABINOWITZ:

8 I think the Board needs to vote on whether
9 or not to accept Dr. Clarke's report, his
10 recommendation not to...

11 DR. SMULLENS:

12 Motion to accept.

13 DR. ZUCKERMAN:

14 Second.

15 MS. MARSHALL-BLAKE:

16 All those in favor?

17 MR. RIEDERS:

18 What are we voting on? We don't vote to
19 accept reports under Robert's Rules of
20 Order.

21 MR. RABINOWITZ:

22 His recommendation, which is not to -- was
23 to accept the report as it was submitted as
24 an Incident and not refer the case to the
25 Department of Health.

1 MR. RIEDERS:

2 I understand.

3 MS. MARSHALL-BLAKE:

4 We need to do a voice vote.

5 MR. RABINOWITZ:

6 It would be better to go and...

7 MS. MARSHALL-BLAKE:

8 All right.

9

10 Anita Fuhrman, RN, BS, aye; Joan Garzarelli, RN,

11 MSN, aye; Roosevelt Hairston, Esquire, aye;

12 Lorina Marshall-Blake, aye; Cliff Rieders,

13 Esquire, abstain; Stanton Smullens, M.D., aye;

14 Marshall W. Webster, M.D., aye; Nathaniel

15 Zuckerman, M.D., aye.

16 [The motion carried; Cliff Rieders, Esquire, abstained

17 from voting on the motion.]

18 ***

19 Committee Reports

20 [Stan Smullens, MD, reported on a conference call of

21 the Long Range Planning Committee that was held on the

22 February 2, 2006. Participants were Alan Rabinowitz,

23 Gary Merica, Cliff Rieders, Roosevelt Hairston and

24 himself. He reported that one of the decisions made

25 on the conference call was to convene a retreat of the

1 Board to consider the overall goals of the Patient
2 Safety Authority. He advised the goals were to re-
3 examine the mission statement in light of the statute
4 making sure that the Authority is performing the
5 primary function of improving patient safety and to
6 look at other organizations, and the relationship with
7 government entities. Dr. Smullens stated they talked
8 about an educational plan over the next several years,
9 how the Authority might become more proactive and how
10 PA-PSRS data might be used for research. Mr.
11 Rabinowitz advised notification would be given of the
12 date of the retreat, when it is set, which would be
13 some time around the end of May.]

14 ***

15 Old Business

16 [Before turning to Old Business, Mr. Rabinowitz
17 advised the Board that Gary Merica asked to be called
18 so he could participate in the meeting via telephone
19 conference call. The Board recessed for a few minutes
20 while Mr. Merica joined the conversation. Ms.
21 Marshall-Blake asked Marshall Webster, M.D., to advise
22 the Board about the Subcommittee on Appointment of the
23 Authority Counsel, which he chairs, and the status of
24 the MOU with the Governor's Office of General Counsel
25 regarding the appointment of Barbara Holland as the

1 Authority's counsel. Dr. Webster noted that the
2 committee met as a Committee of the Whole via
3 telephone conference call. There were also numerous
4 e-mail exchanges and other opportunities to review
5 this issue and a number of other issues. He reported
6 that, although the members had not reached consensus,
7 there were two proposed resolutions or motions which
8 the Board might consider. He deferred to Cliff
9 Rieders, Esquire.]

10 ***

11 MR. RIEDERS:

12 We had a lot of discussion about this. In
13 fact, I'm mildly amused myself, as I'm sure
14 others are, that we spend so much time
15 talking about lawyers. And, people in my
16 office think it's interesting that we do see
17 a lot of entities of this nature that a lot
18 of times it just comes down to law. But,
19 there are essentially three approaches that
20 have been discussed. One is for us to
21 simply do our own RFP and put the
22 requirements out there or you would hire an
23 attorney. The second one, which was most
24 recently discussed, I guess today, is have
25 no attorney, no specifically hired attorney,

1 that is, but rely on our own views or those
2 of house counsel, so to speak, which is
3 really Roosevelt. And, the third thought
4 was to suggest an MOU that we would find
5 appropriate which would really, in my view,
6 represent a great compromise on the part of
7 the Office of General Counsel. And, I don't
8 think any of us pretend to know whether this
9 would be okay with the OGC or not, but,
10 nevertheless, the motion that I would
11 propose is that we would draft an MOU for
12 the OGC to hire Barbara Holland, Esquire, as
13 Patient Safety Authority counsel on a 30-day
14 renewable basis, to pay one-half of her
15 salary and one-half of her benefits package
16 prorated on a 30-day basis, of course, said
17 MOU to contain the general responsibilities
18 of that counsel, a guarantee of fidelity and
19 confidentiality to the PSA as a client, and
20 that the individual would report to our
21 executive director. Now, of course, I
22 haven't attempted in the motion to put in
23 every single detail. What I would propose
24 to do, if it's the desire of this Board, is
25 to put something in writing and circulate it

1 to the Board for approval but along these
2 general guidelines, and tell the Office of
3 General Counsel that that is what we would
4 find acceptable. That's my motion.

5 DR. ZUCKERMAN:

6 I just have a question.

7 MS. MARSHALL-BLAKE:

8 We need a second first.

9 MS. FUHRMAN:

10 Second.

11 MS. MARSHALL-BLAKE:

12 Okay. Now the question.

13 DR. ZUCKERMAN:

14 Question, your last part said under the
15 direction of Alan. It's under the true
16 direction. No decisions are made without
17 his approval or his discussion?

18 MR. RIEDERS:

19 Well, I have "and would report to the
20 executive director." I don't know that we
21 can micro manage it. I mean, I wouldn't
22 write a contract that way. I would write it
23 this way, and, again, if we're dissatisfied
24 we don't renew it.

25 DR. ZUCKERMAN:

1 But, the person would be employed for at
2 least 30 days. There's no out prior to 30
3 days.

4 MR. RIEDERS:

5 Correct. I would not do that.

6 MS. MARSHALL-BLAKE:

7 Are we ready for the vote?

8 DR. WEBSTER:

9 Can we bring the other motion on?

10 MS. MARSHALL-BLAKE:

11 Do you want them both at the same time?

12 DR. WEBSTER:

13 Well, I think with your permission, and I'm
14 not an expert on Robert's Rules.

15 MR. RABINOWITZ:

16 I think you need to table that motion. We
17 cannot have two active motions in play at
18 the same time.

19 MS. MARSHALL-BLAKE:

20 All right, then we will table that.

21 MR. RABINOWITZ:

22 But, it's also an incidental motion because
23 it's sort of related to the same issue, and
24 it doesn't necessarily contradict it. So,
25 if the Board is okay with tabling this for

1 the moment.

2 MS. MARSHALL-BLAKE:

3 We need a vote to table, too.

4 MR. RIEDERS:

5 Well, you need a vote to table, and I

6 personally do not think we should table it.

7 Let's do one at a time and get it over with.

8 DR. WEBSTER:

9 I move that we table it.

10 MR. MERICA:

11 I second that.

12 MS. MARSHALL-BLAKE:

13 Do we have to vote?

14 MR. RABINOWITZ:

15 Yeah.

16 MS. MARSHALL-BLAKE:

17 All right.

18

19 Anita Fuhrman, RN, BS, aye; Joan Garzarelli, RN,

20 MSN, aye; Roosevelt Hairston, Esquire, no; Lorina

21 Marshall-Blake, aye; Gary A. Merica, R.Ph., aye;

22 Cliff Rieders, Esquire, no; Stanton Smullens,

23 M.D., no; Marshall W. Webster, M.D., aye;

24 Nathaniel Zuckerman, M.D., no.

25 [The motion carried 5-4.]

1

2 DR. WEBSTER:

3 I move that the Board ask Alan with the
4 advice of the Board to develop an RFP and to
5 publish it for counsel for the Authority.

6 MS. MARSHALL-BLAKE:

7 Is there a second?

8 MR. HAIRSTON:

9 Second.

10 MS. MARSHALL-BLAKE:

11 Okay. Let's vote.

12 MR. RIEDERS:

13 I wanted...

14 MS. MARSHALL-BLAKE:

15 Is there discussion? I'm sorry, Cliff. I
16 didn't mean to leave you out of that.

17 MR. RIEDERS:

18 I'm going to vote against it and I oppose it
19 because I think it's putting the cart before
20 the horse, and it's kind of putting -- it is
21 to me unnecessarily politicizing our role to
22 announce in advance of even trying Barbara
23 Holland that we're going to develop an RFP.
24 I think that to hire a lawyer in that manner
25 is generally, though not always, generally

1 counter productive. It raises a host of
2 issues about whether you're going to go at
3 the lowest bid and if you're not how you
4 weigh other criteria. And, for us in
5 advance of even utilizing Barbara Holland
6 even though the 30-day basis which is about
7 as short as you can have any kind of
8 agreement, it seems to me sends the wrong
9 signal and involves us, as an organization,
10 in very time consuming, tedious activities
11 that do not relate to patient safety and
12 really are very much opposed to our bottom
13 line function. I would not at all be
14 opposed to an RFP if indeed the arrangement
15 with Barbara Holland does not work out. I'd
16 probably make that a motion myself. But, I
17 think that we have some obligation to move
18 forward with our real work and not with
19 getting into disputes about who to hire and
20 under what basis. I think the whole RFP
21 procedure could turn into another very messy
22 affair.

23 MS. MARSHALL-BLAKE:

24 Is there any further discussion?

25 MS. FUHRMAN:

1 I want to clarify. This vote is for?

2 MS. MARSHALL-BLAKE:

3 If you are voting yes it is for the RFP to
4 go forward.

5 MS. HUTTON:

6 The Authority to ask Alan with the advice of
7 the Board to develop an RFP for counsel for
8 the Patient Safety Authority.

9

10 Anita Fuhrman, RN, BS, no; Joan Garzarelli,
11 RN, MSN, no; Roosevelt Hairston, Esquire,
12 aye; Lorina Marshall-Blake, aye; Gary A.
13 Merica, R.Ph., aye; Cliff Rieders, Esquire,
14 no; Stanton Smullens, M.D., aye; Marshall W.
15 Webster, M.D., aye; Nathaniel Zuckerman,
16 M.D., aye.

17 [The motion carried 6-3.]

18 ***

19 MS. MARSHALL-BLAKE:

20 Now let's go back to the original, the one
21 that we tabled.

22 DR. WEBSTER:

23 I move that the original motion be re-
24 brought to the floor.

25 MS. MARSHALL-BLAKE:

1 Rabinowitz should note that the Department is handling
2 the assessment in a different manner than they have in
3 previous years, and that the Board would like to know
4 the status of the assessment and a date when the
5 Department of Health would be making the assessment.]

6 ***

7 New Business

8 [Mr. Rabinowitz then advised the Board about the
9 status of the Annual Report for 2005. Since the
10 Report is legally due by May 1st of each year, he
11 anticipates releasing the report on Friday, April 28,
12 2006. He stated that drafts of the report would be
13 presented at upcoming Board meetings with the goal
14 being to have approval of the Annual Report at the
15 April 11 meeting. Bill Marella advised that the
16 purpose of sharing a Report outline today was to see
17 if there were specific issues that the Board wanted to
18 include in the Annual Report that were not reflected
19 in the outline. The Board engaged in discussion about
20 various components of an annual report and possible
21 topics for analysis. In response to questions, Mr.
22 Doering spoke to the status of the Interface Project.
23 There was also lengthy discussion with Dr. Clarke
24 about consistency of reporting and standardization.
25 In closing, Mr. Hairston suggested that information be

1 distributed electronically to facilitate Board review
2 outside of formal meetings.]

3 ***

4 Public Comments

5 [Denise Shope, Patient Safety Officer for Geisinger
6 Health System, expressed her support for the upcoming
7 Root Cause Analysis training and asked whether the
8 course would be repeated in the future so more people
9 could attend. Mr. Rabinowitz advised that the
10 Authority anticipates offering various kinds of
11 training sessions in the future, including Root Cause
12 Analysis. Ms. Shope also asked that the Board
13 continue to pursue its discussion around the
14 differentiation between Serious Events and Incidents
15 and to help the risk managers and Patient Safety
16 Officers be able to report those things correctly.]

17 ***

18 Adjournment

19 MS. MARSHALL-BLAKE:

20 If there's nothing further, I'll entertain a
21 motion for the adjournment.

22 MS. FUHRMAN:

23 So moved.

24 MS. MARSHALL-BLAKE:

25 Second?

1 DR. ZUCKERMAN:

2 Second.

3 MS. MARSHALL-BLAKE:

4 Thank you.

5 [The motion carried unanimously.]

6 ***

7 [The meeting adjourned at 12:30 p.m.]

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Tim Wagner
Minute Clerk,
York Stenographic Services

PATIENT SAFETY AUTHORITY
BOARD OF DIRECTORS
REFERENCE INDEX
FEBRUARY 6, 2006

	TIME	COUNTER NUMBER	AGENDA
10	11:10	0023	Call to Order, Lorina Marshall- Blake, Vice-Chair
13	11:11	0059	Approval of Minutes of the January 10, 2006 meeting
16	11:11	0077	Report of Board Administrator Alan Rabinowitz
19	11:22	0771	PA-PSRA Update
21	11:35	1446	Committee Reports
23	11:44	1723	Old Business Status of MOU with the Governor's Office of General Counsel
28	11:58	2433	New Business Annual Report
31	12:24	3793	Public Comments
33	12:30		Adjournment

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