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FINAL MINUTES

**MEETING OF:
PATIENT SAFETY AUTHORITY**

HILTON HOTEL
PLYMOUTH MEETING, PENNSYLVANIA

TIME: 10:44 A.M.

DATE: October 11, 2005

1 Patient Safety Authority

2 October 11, 2005

3 Joan M. Garzarelli, RN, MSN
4 Lorina L. Marshall-Blake
5 Marshall W. Webster, M.D.
6 Stanton N. Smullens, M.D.
7 Nathaniel J. Zuckerman, M.D. (Via telephone)
8 Anita Fuhrman, RN, BS
9 Cliff Rieders, Esquire
10 Alan B.K. Rabinowitz, Board Administrator
11 Sharon L. Hutton, Administrative Assistant
12 William J. Goodrich, Esquire
13 Roosevelt H. Hairston, Esquire
14 Gary A. Merica, R.Ph.
15 Laurene Baker, Communications Director
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PATIENT SAFETY AUTHORITY

The regularly scheduled meeting of the Patient Safety Authority was held on Tuesday, October 11, 2005. Lorina Marshall-Blake, Acting Chairperson, called the meeting to order at 10:44 a.m.

Approval of Minutes of the September 12, 2005, meeting.

MS. MARSHALL-BLAKE:

The first item on our agenda is the approval of the minutes from our September 12, 2005 meeting, and everyone has had the opportunity to read them. You did get them ahead of time. Is there a motion?

MR. HAIRSTON:

So moved.

MS. MARSHALL-BLAKE:

Is there a second?

MR. MERICA:

Just to prove I do read the minutes there's a slight mathematical error on page 12. It should be, I believe, 444 facilities in the fourth or fifth line down rather than 240.

MS. MARSHALL-BLAKE:

1 Clarke is facilitating Surgery Board exams and is
2 unable to be present at the meeting so some
3 discussions may need to be postponed until he can be
4 present. Mr. Rabinowitz followed up on a few items
5 that the Board addressed at the September meeting.
6 One was a response to DOH's proposed regulations in
7 which the Board indicated that they were interested in
8 providing some level of a response which they were
9 encouraged to do so. He also discussed a letter from
10 Dick Lee regarding incident reports and data sharing,
11 and the discussion about how to respond, if at all, to
12 that letter. Mr. Rabinowitz also referenced the
13 discussion regarding the usage of the "to be
14 determined," the TBD flag option on the report. Also,
15 regarding the interest in follow-up to the use of Dr.
16 Clarke's proposed algorithm, Mr. Rabinowitz indicated
17 it was the Board's understanding that it would be
18 pilot tested among a small group of facilities. He
19 reported another item from the last meeting to be
20 followed up on was a response to Karen Fineststein's
21 proposal from the Jewish Health Care Foundation about
22 her initiative. He reported that there had been no
23 response back to her as of yet because the Board had
24 talked about setting up protocols for how they might
25 do grant making and for a number of reasons have not

1 been able to move forward on that discussion. He
2 stated that something would be scheduled in the next
3 week or two to do that so an interim letter would be
4 sent to Ms. Fineststein explaining that the Board will
5 be looking at grant making protocols. Mr. Rabinowitz
6 reported that he has been invited to an annual meeting
7 of UHC, the University Health System consortium. He
8 also discussed an anonymous report that came in a
9 couple months ago and difficulty with scheduling a
10 site visit with a subject matter expert but that a
11 site visit is scheduled for later in the week, and
12 hopefully there will be a recommendation from Dr.
13 Clarke and his team by the next Board meeting.]

14 ***

15 Old Business

16 ***

17 MS. MARSHALL-BLAKE:

18 At last month's meeting we were presented
19 with some changes to the bylaws, and based
20 on our rules and regulations that we have to
21 read it into the record the one month, then
22 vote on it the next month. So in your
23 package that was given to you the proposed
24 bylaw changes are there. I'm sure you've
25 looked at them. It's with regard to

1 communications among Board members, how we
2 deal with the press. At this point, unless
3 there's any unreadiness or anything to add
4 to it, I'd like to move for the adoption, so
5 is there any discussion? If not, I'll
6 entertain a motion.

7 DR. SMULLENS:

8 So moved.

9 MS. MARSHALL-BLAKE:

10 Is there a second?

11 DR. WEBSTER:

12 Second.

13 MS. MARSHALL-BLAKE:

14 Okay. All those in favor?

15

16 Anita Fuhrman, RN, BS, aye; Joan Garzarelli,
17 RN, MSN, aye; Bill Goodrich, Esquire, aye;
18 Roosevelt Hairston, Esquire, aye; Lorina
19 Marshall-Blake, aye; Gary A. Merica, R.Ph.,
20 aye; Cliff Rieders, Esquire, aye; Stanton
21 Smullens, M.D.; aye; Marshall W. Webster,
22 M.D., aye; Nathaniel Zuckerman, M.D., aye.

23 [The motion carried unanimously.]

24

25 MS. MARSHALL-BLAKE:

1 The next item is the item that we added in.
2 When last month's meeting began Barbara
3 Holland was talking with us about the
4 regulations for the Department of Health,
5 and the fact that by October 15, it's a
6 moving date, but that's the date that she
7 gave for responses. So I was just wondering
8 was there any discussion from the Board with
9 how we will respond or not respond or just
10 exactly what we would choose to do.

11 MR. HAIRSTON:

12 I would like to make a motion that in lieu
13 of trying to specifically respond as a
14 number of the hospitals are doing to
15 substantive points that we merely send a
16 letter to the Department of Health
17 acknowledging the fact that they have this
18 significant rewrite of their regulations
19 that a portion of those regulations deal
20 with patient safety and quality improvement,
21 and that we would be more than happy to sit
22 down with them as they get their comments in
23 over the next couple of weeks and work with
24 them and provide any input that we can to
25 assist them as they continue to try and

1 of McKissock & Hoffman, their legal counsel.
2 And there were other issues under those tabs
3 too that are discussed. And I think most of
4 us have had the opportunity to look at it so
5 I wanted to put it out there for further
6 discussion in a public meeting. So I open
7 up that discussion at this point concerning
8 the termination of the contract and other
9 matters there too concerning the Patient
10 Safety Authority?

11 MR. RIEDERS:

12 My first motion would be for us to
13 promulgate a resolution expressing
14 appreciation to Peter Hoffman and Joan Plump
15 for the work that they have done on behalf
16 of the Patient Safety Authority. I think
17 that's a no-brainer, but I think they did a
18 lot of work. While I have not always agreed
19 with it myself, I think nevertheless they
20 deserve appreciation for the conscientious
21 work they have provided.

22 MR. GOODRICH:

23 I would like to second that motion.

24 MS. MARSHALL-BLAKE:

25 All those in favor?

1

2 Anita Fuhrman, RN, BS, aye; Joan Garzarelli,
3 RN, MSN, aye; Bill Goodrich, Esquire, aye;
4 Roosevelt Hairston, Esquire, aye; Lorina
5 Marshall-Blake, aye; Gary A. Merica, R.Ph.,
6 aye; Cliff Rieders, Esquire, aye; Stanton
7 Smullens. M.D.; aye; Marshall W. Webster,
8 M.D., aye; Nathaniel Zuckerman, M.D., aye.

9 [The motion carried unanimously.]

10

11 MR. RIEDERS:

12 My second one is that the letter, the
13 information that we have received, I take as
14 an offer, not a mandate but rather an offer
15 to utilize the services of Barbara Holland,
16 Chief Counsel for the Department of Health
17 and part-time counsel to the Governor's
18 Office of Health Care Reform in order to
19 fulfill the needs that we have for legal
20 counsel and guidance, an offer which I, and
21 I'm sure the whole Board appreciates, and
22 certainly considers to be a legitimate and
23 serious offer. My understanding of the law,
24 my appreciation of the law, is we of course
25 are entitled to hire our own staff. The

1 statute is quite explicit about that to
2 spend our own funds under Section 304. But
3 I do think we should consider that offer
4 seriously. Barbara Holland is a very
5 competent, experienced attorney. She also
6 has a lot of other duties to perform. And
7 therefore I would like to make a motion that
8 we consider the offer to utilize the
9 services of Barbara Holland, Chief Counsel
10 for the Department of Health and part-time
11 counsel to the Governor's Office for Health
12 Care Reform as opposed to hiring our own
13 counsel pursuant to Section 304(a)(2), which
14 section says that the Patient Safety
15 Authority shall employ staff as necessary to
16 implement this chapter. My motion is simply
17 for us to consider that and to have further
18 discussion about it.

19 MS. MARSHALL-BLAKE:

20 Is there a second?

21 MS. FUHRMAN:

22 Second.

23 MS. MARSHALL-BLAKE:

24 All those in favor?

25

1 Anita Fuhrman, RN, BS, aye; Joan Garzarelli,
2 RN, MSN, aye; Bill Goodrich, Esquire, aye;
3 Roosevelt Hairston, Esquire, aye; Lorina
4 Marshall-Blake, aye; Gary A. Merica, R.Ph.,
5 aye; Cliff Rieders, Esquire, aye; Stanton
6 Smullens. M.D.; aye; Marshall W. Webster,
7 M.D., aye; Nathaniel Zuckerman, M.D., aye.

8 [The motion carried unanimously.]

9 ***

10 MR. RIEDERS:

11 One of the concerns that I have, and I'm
12 sure others have, is what do we do in the
13 interim while we're considering this offer
14 and discussing in good faith with the
15 department of the Governor's Office. There
16 is, for example, a very important meeting
17 coming up with a health care provider with
18 respect to an anonymous report. It is
19 expected that they will have counsel present
20 and that issues may come up with respect to
21 what is or should be reported, that it would
22 be useful for the Patient Safety Authority
23 to have counsel present who would be
24 intimately familiar with that process.
25 Therefore, I would move that the Patient

1 Safety Authority hire Joan Plump to attend
2 this anonymous report meeting on a per diem
3 basis pursuant to Section 304(a)(2), and I
4 want to emphasize that this is just for this
5 one particular event. It's not intended as
6 a general hiring at this time. So that
7 would be my motion so that Mr. Rabinowitz
8 and others who attend that meeting have the
9 advantage of counsel.

10 MS. MARSHALL-BLAKE:

11 Is there a second?

12 DR. ZUCKERMAN:

13 Second.

14
15 Anita Fuhrman, RN, BS, aye; Joan Garzarelli,
16 RN, MSN, aye; Bill Goodrich, Esquire, aye;
17 Roosevelt Hairston, Esquire, aye; Lorina
18 Marshall-Blake, aye; Gary A. Merica, R.Ph.,
19 aye; Cliff Rieders, Esquire, aye; Stanton
20 Smullens, M.D.; aye; Marshall W. Webster,
21 M.D., aye; Nathaniel Zuckerman, M.D., aye.

22 [The motion carried unanimously.]

23

24 MR. RIEDERS:

25 I would make a motion to authorize the

1 DR. WEBSTER:

2 Second.

3

4 Anita Fuhrman, RN, BS, aye; Joan Garzarelli,
5 RN, MSN, aye; Bill Goodrich, Esquire, aye;
6 Roosevelt Hairston, Esquire, aye; Lorina
7 Marshall-Blake, aye; Gary A. Merica, R.Ph.,
8 aye; Cliff Rieders, Esquire, aye; Stanton
9 Smullens, M.D.; aye; Marshall W. Webster,
10 M.D., aye; Nathaniel Zuckerman, M.D., aye.

11 [The motion carried unanimously.]

12 ***

13 Adjournment

14 MS. MARSHALL-BLAKE:

15 I would entertain a motion for adjournment.

16 MS. FUHRMAN:

17 So moved.

18 MS. MARSHALL-BLAKE:

19 Is there a second?

20 MR. HAIRSTON:

21 Second.

22 MS. MARSHALL-BLAKE:

23 The meeting is adjourned.

24 ***

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

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Brad Weirich,
Minute Clerk,
York Stenographic Services

	TIME	COUNTER NUMBER	AGENDA
1			PATIENT SAFETY AUTHORITY
2			BOARD OF DIRECTORS
3			REFERENCE INDEX
4			OCTOBER 11, 2005
5			
6			
7			
8			
9	10:44	0057	Call to Order, Lorina Marshall-
10			Blake, Vice-Chair
11			
12	10:44	0058	Approval of Minutes of the
13			September 12, 2005, meeting
14			
15	10:46	0174	Report of Board Administrator Alan
16			Rabinowitz
17			
18	11:20	2298	Vote on Proposed Change to the
19			By-Laws
20			
21	11:50	4547	Issues Concerning Appointment of
22			Legal Counsel
23			
24	12:15		Adjournment