

## 2021 Regular Session Legislative Testimony

---

<b>Date</b>	February 1, 2021
<b>To</b>	Senator Deb Patterson, Presiding Chair Senate Committee on Health Care
<b>From</b>	Heidi Steeves, Executive Director Oregon Patient Safety Commission
<b>Subject</b>	SB 110: Repeals sunset on Early discussion and Resolution program for resolving adverse health care incidents

---

Chair Patterson and members of the Committee,

I am Valerie Harmon, the chief operating officer at the Oregon Patient Safety Commission. I am also joined today by Heidi Steeves, our executive director. We are here representing the Patient Safety Commission—a non-regulatory, semi-independent state agency. Our mission, which is defined in statute (ORS 442.820 (2)), is to improve patient safety by reducing the risk of serious adverse events occurring in Oregon’s health care system and by encouraging a culture of patient safety. Essentially, our goal is to help make health care safer for all Oregonians, wherever they may receive their care.

Unfortunately, health care does not always go as planned, and sometimes a patient is seriously harmed or dies.

When a patient is harmed, they want to know what happened to them, why it happened, and they want to make sure that it never happens to anyone else. Traditionally, providers have been hesitant to talk with patients in these situations. Even if they had wanted to be open with patients, fear of being sued or embarrassment and discomfort with these types of conversations may have made them shy away. Patients, frustrated by the lack of transparency, may resort to the legal system to get answers.

In 2013, Senate Bill 483 created Early Discussion and Resolution (EDR), a voluntary process that can be used by either the patient or the healthcare provider to start a conversation about a serious harm event. EDR established broad protections for these important conversations to encourage participants to talk candidly about what happened and seek reconciliation outside of the legal system.

Open and honest conversation with patients and families following patient harm creates the opportunity for patients to receive the information and support they need, and it is critical to building a culture that encourages learning and patient safety improvement.

EDR was one of the first laws in the country to support open conversation, and it remains the only law that allows patients to start the process. In fact, Oregon patients have embraced EDR, initiating a majority of EDR conversation requests.

This landmark legislation to improve patient safety and encourage resolution through conversation is a lever for health care culture change. But culture change takes time. It requires ongoing effort to sustain, and the EDR program is still young.

Senate Bill 110 would repeal EDR’s December 31, 2023 sunset date. Repealing the sunset would maintain the opportunity for progress toward a statewide culture of safety.

Your support for this bill will:

- Ensure Oregonians continue to have a way to seek resolution following medical harm before escalating to a traditional legal response.
- Instill confidence that the confidentiality protections EDR affords will remain intact.
- Cement Oregon’s role as a national leader in transparency after patient harm.
- Reinforce our state’s commitment to patients who have been harmed by their medical care, their families, and the healthcare providers involved in harm events.

We are asking for you to support Senate Bill 110, to ensure EDRs availability for Oregonians beyond 2023.

Thank you for your time, and both Heidi and I are happy to answer any questions.