

## **Overview of the Agency for Healthcare Research and Quality's Medical Liability Reform and Patient Safety Planning Grant**

In September 2010, Oregon was awarded a \$300,000 planning grant from the Agency for Healthcare Research and Quality. The grant supports development of a proposal for a specific medical liability reform that is designed to improve patient safety. Over the course of the next year, the Office for Oregon Health Policy and Research, with assistance from the Patient Safety Commission and the Center for Evidence-based Policy, will lead the planning process.

### ***Purpose of the Grant***

The purpose of the planning grant is to craft a broadly supported legislative proposal. The project will explore a method for adopting evidence-based guidelines to address the clinical situations that result in significant numbers of patient injuries or medical liability claims. The project will also explore linking the legal standard of care to compliance with the guidelines to:

- Provide physicians with greater clarity about the standard of care expected of them and assure them that, if they adhere to the guidelines, they will not be found liable for harm resulting from failure to do something that is inconsistent with the guidelines,
- Give patients greater protection from substandard care, and
- Reduce medical liability claims.

### ***Activities***

1. Identify medical errors (or alleged medical errors) that occur frequently or result in high liability costs, using databases secured from the Patient Safety Commission, the Oregon Medical Board, the National Practitioner Data Bank, and an Oregon medical liability insurance carrier.
2. Analyze selected medical liability claims to assess whether in some cases adherence to applicable clinical practice guidelines might have prevented patient injury and whether the outcome or course of a medical liability case might have changed had the standard of care required the physician to adhere to an applicable guideline.
3. Identify legal issues that must be addressed in crafting a legislative proposal around evidence-based guidelines and the standard of care. Explore the types of policy choices that must be made and the potential state constitutional pitfalls that must be avoided.
4. Collaborate with a broad-based group of consumers, patient advocates, medical professionals, and legal professionals to design an effective legislative proposal.
5. Develop an evaluation plan to measure the success of the proposed legislation.

### ***Timeline***

September 2010 to September 2011 (for the 2013 Legislative Session)