

ARTICLE X SECTION 25 | PATIENTS' RIGHT TO KNOW ABOUT ADVERSE MEDICAL INCIDENTS¹

(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.

(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.

(c) For purposes of this section, the following terms have the following meanings:

(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.

(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.

(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.

(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.



History. – *Proposed by Initiative Petition filed with the Secretary of State April 1, 2003; adopted 2004.*

¹**Note.** –

A. *This section, originally designated section 22 by Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, was redesignated section 25 by the editors in order to avoid confusion with section 22, relating to parental notice of termination of a minor’s pregnancy, as contained in Amendment No. 1, 2004, added by H.J.R. 1, 2004, adopted 2004.*

B. *Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, published “[f]ull [t]ext” consisting of a statement and purpose, the actual amendment “inserting the following new section at the end [of Art. X],” and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:*

3) Effective Date and Severability:

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

