

# FREQUENTLY ASKED QUESTIONS

## The Equity in Health Care Act: Ensuring Safety and Accountability

PROTECTING OUR COMMUNITIES AND HOLDING  
HEALTH CARE FACILITIES ACCOUNTABLE



### AB 3161 WILL:

- Require hospitals to include self-reported patient demographics when reporting patient safety events to CDPH.
- Require CDPH to collect self-reported patient demographics when receiving complaints regarding hospitals and long-term care facilities.
- Require CDPH to review and publish data related to patient adverse events in a manner consistent with patient privacy.
- Require hospital patient safety plans to include specified methods to address racism and discrimination in health care, including procedures for staff to anonymously report instances of racial bias and discrimination.
- Require CDPH to publicly publish hospital patient safety plans.
- Ensure individuals who feel they have experienced trauma due to discrimination in health care receive information about how to access justice through the Civil Rights Department.

### Why is addressing racial bias in health care so critical?

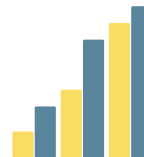
California's population is mostly comprised of communities of color, but recent trends demonstrate racial bias in health care is a rampant issue across the system. While racial bias and discrimination in health is not new, it persists and remains a severe problem.



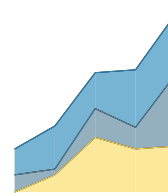
**Black, Indigenous, People of Color (BIPOC) communities experience higher rates of medical misdiagnoses and patient adverse events when compared to white patients.<sup>1</sup>**



**1 in 4 hospital patients who died, or were transferred to intensive care, experienced some sort of diagnostic error in their care.<sup>2</sup>**



**Women and communities of color are at a higher risk. An estimated 795,000 patients pass away or become permanently disabled because of misdiagnoses.<sup>3</sup>**



**The United States continues to face the highest rates of maternal deaths when compared to other developed countries and Black women and birthing people bear the disproportionate brunt of the negative maternal health outcomes.**

### What is a patient adverse event?

Patient adverse events include leaving surgical equipment inside a patient, administering the wrong medication, or inadequate or negligent care that leads to adverse maternal health outcomes.

### Which health care facilities will be impacted by this legislation?

This legislation is specific to hospital facilities, such as general acute care, acute psychiatric care, and special hospitals. These are facilities that are licensed by the Department of Public Health and have the responsibility of providing inpatient services from medical care, nursing, surgical procedures, laboratory and radiology, pharmacy and dietary support.

This proposal does also request that CDPH collect self-reported demographic information such as race, ethnicity, gender identity, sexual orientation, language, disability status and expected payer for the purposes of identifying statistics of patient complaints involving long-term care facilities and to ensure all patients – regardless of their race, gender, or disability status – receive the best possible care.

### Why does this proposal seek to collect data pertaining race, ethnicity, language?

Demographic data is crucial to understand trends in health care. Race, ethnicity, and language all play into an individual's health outcomes. When bias interrupts care based on demographics, this can lead to deadly consequences and trauma for communities. Demographic information reported under this bill will allow the state to track trends and curb any behavior that is problematic where our communities receive care. Ensuring this data is publicly available will provide everyday community members with the ability to understand if their local hospital may have problematic trends when it comes to racial bias before seeking care. It will also enable everyday Californians to make the best-informed decisions for their health care.

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### Why does this proposal seek to collect data on sexual orientation and gender identity (SOGI data)?

As the nation continues to experience attacks particularly on Trans health care rights and gender-affirming care, it is critical for us to have data that can inform Californians of the kind of care provided in their local hospital. This bill will provide further accountability of hospitals who may have high rates of patient adverse events among LGBTQ patients.

The collection of SOGI data is crucial to the success of this proposal. This proposal would abide by existing stringent federal and state laws relating to best practices for the collection of SOGI data in a way that is culturally responsive and honors patient privacy.

### Why is it important to provide information about the civil rights process when individuals file a complaint with CDPH?

If a community member opts to pursue a civil rights procedure, the burden often falls on an individual of the affected family to identify the best path forward. This only further exacerbates limited resources for low-income, communities of color. A lack of information about the processes for reporting only creates more barriers. The California Civil Rights Department is committed to ensuring access to culturally and linguistically accessible due process, and most importantly, supporting community members every step of the way in their legal process.

1. [https://www.rand.org/pubs/research\\_reports/RRA1945-1.html](https://www.rand.org/pubs/research_reports/RRA1945-1.html)
2. <https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2813854#:~:text=Findings%20in%20this%20cohort%20study,or%20permanent%20harm%20to%20patients>
3. <https://qualitysafety.bmj.com/content/33/2/109>

### Support

Black Women for Wellness Action Project (Co-Sponsor)  
California Pan-Ethnic Health Network (Co-Sponsor)

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